

SIXTY-FOURTH DAY

(Continued)

(Monday, May 15, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

LEAVES OF ABSENCE GRANTED

The following Members were, by unanimous consent of the House, granted leaves of absence for today, on account of important business:

Messrs. Holekamp, Golson, McCullough, Greathouse, and Lemens.

Mr. Merritt was granted leave of absence for today and indefinitely, on account of illness in his family.

Mr. Palmer was granted leave of absence for last Saturday, on account of important business.

HOUSE BILL NO. 337 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 337, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violation; providing for quo warranto proceedings and forfeiture of charter; repealing all laws and parts of laws in conflict herewith, and declaring and emergency";

The bill having heretofore been read second time.

(Mr. Young in the Chair.)

Mr. Lotief offered the following committee amendment to the bill:

Amend House Bill No. 337 by striking out Section 6, and inserting the following in lieu thereof:

"Section 6. Any foreign corporation violating any of the provisions of this Act shall thereby forfeit its right to do business in this State; any domestic corporation violating any of the provisions of this Act, shall thereby forfeit its charter, and all rights

thereunder; and any person, company, or partnership, violating any of the provisions of this Act, shall forfeit his, or their, right or permit to conduct such utility business, as he, or they, are so engaged in said municipality; and when any such violation of this law shall be brought to the attention of the Attorney General of this State, it shall be his duty to institute suit or quo warranto proceedings in the district court of any county in this State where such violation of this law shall occur, for the penalties or forfeitures herein provided. And for such purposes venue is hereby given to each district court in this State."

The amendment was adopted.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 337 by striking out Section 5, and insert in lieu thereof the following:

"Section 5. That hereafter, when any person, partnership, company, or corporation, engaged in any public utility business in this State, such as are mentioned in Section 1 of this Act, shall refuse to lower the rates or prices charged for such utility services, when requested to do so by petition of any municipality or a majority of the citizens of such municipality, served by said person, partnership, company, or corporation, stating in their petition the rate or price which said municipality or its citizens think reasonable for such utility services; and if, within twelve months after such refusal, said municipality grants a franchise to furnish natural gas, or any other utility services mentioned in Section 1 of this Act, to any other person, partnership, company, or corporation, who agrees to furnish such natural gas and/or other utility services to such municipality and/or its citizens, at the prices named in said petition; or, if said municipality should undertake to purchase, construct, procure, and operate its own utility plant and system, and/or to fix the rate or rates to be charged for such natural gas and/or utility services; and then, if the first named person, partnership, company or corporation reduce the price or rates charged for such natural gas or other utility services (as the case might be), below the price or rates requested in said petition, or so fixed by the city, the act of so reducing said price or rates

shall be held to be prima facie evidence that such reduction was made for the purpose of preventing competition and injuring competitors. Provided, that the first named person, partnership, company, or corporation, so petitioned to reduce its rates shall always be permitted to reduce its rates to the level of those charged by said municipality or any other person, partnership, company, or corporation doing a like utility business in said municipality."

Mr. Van Zandt offered the following amendment to the amendment:

Amend the amendment to House Bill No. 337 by inserting after the word "petition," in line 21, of Section 5, of said amendment, the following: "if such rates and prices are fair and reasonable."

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 337 was then passed to engrossment, by the following vote:

Yeas—66

Adamson.	Hughes.
Aikin.	Hunt.
Alsup.	Jefferson.
Anderson	Jones of Atascosa.
of Johnson.	Jones of Shelby.
Barrett.	Kyle of Hays.
Bourne.	Laird
Burns.	Lindsey.
Calvert.	Long.
Canon.	Lotief.
Cathey.	Mackay.
Chastain.	Magee.
Crossley.	McClain.
Daniel.	Metcalfe.
Davidson.	Morrison.
Dean.	Pope.
Engelhard.	Puryear.
Fain.	Reed of Bowie.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Goodman.	Rollins.
Graves.	Russell.
Haag.	Shannon.
Harris.	Shults.
Hartzog.	Smith.
Head.	Stovall.
Hodges.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Tennyson.

Thomas.
Tillery.
Townsend.
Turlington.
Van Zandt.

Vaughan.
Walker.
Wells.
Winningham.

Nays—36

Alexander.
Anderson
of Bexar.
Baker.
Camp.
Caven.
Celaya.
Clayton.
Dunlap.
Dwyer.
Ford.
Griffith.
Hankamer.
Hester.
Hill of Brazoria.
Hyder.
Jackson.
Kayton.
Kyle of Palo Pinto.

Mathis.
McDougald.
McGregor.
Mitcham.
Moore.
Morse.
Munson.
Nicholson.
Parkhouse.
Patterson.
Pavlica.
Ratliff.
Reed of Dallas
Ross.
Scarborough.
Steward.
Stinson.
Wagstaff.

Present—Not Voting

Devall

Absent

Beck.	Jones of Runnels.
Bedford	Latham.
Bradley.	Leonard.
Butler.	McKee.
Colson.	Moffett.
Coombes.	Palmer.
Cowley.	Ramsey.
Dunagan.	Ray.
Duvall.	Reader.
Few.	Renfro.
Good.	Riddle.
Harman.	Rogers
Harrison.	of Ochiltree.
Hicks.	Savage.
Hill of Webb.	Scott.
Holland.	Stanfield.
Holloway.	Weinert.
James.	Wood.
Johnson	Young.
of Anderson.	

Absent—Excused

Barron.	Johnson
Fisher.	of Dimmit.
Golson.	Lemens.
Greathouse.	McCullough.
Holekamp.	Merritt.

MOTION TO TAKE UP HOUSE BILL NO. 337

Mr. Lotief moved that the constitutional rule, requiring bills to be read on three several days, be suspended,

and that House Bill No. 337 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote), by the following vote:

Yeas—74

Adamson.	Jones of Atascosa.
Aikin.	Jones of Shelby.
Alsup.	Kyle of Hays.
Anderson	Laird.
of Johnson.	Latham.
Barrett.	Lindsey.
Bourne.	Lotief.
Burns.	Mackay.
Calvert.	Magee.
Camp.	McClain.
Canon.	Metcalfe.
Celaya.	Mitcham.
Chastain.	Moore.
Crossley.	Pope.
Daniel.	Puryear.
Davidson.	Ratliff.
Dean.	Roberts.
Dunagan.	Rogers of Hunt.
Engelhard.	Rollins.
Fain.	Russell.
Ford.	Scott.
Fuchs.	Shannon.
Glass.	Shults.
Goodman.	Smith.
Graves.	Stovall.
Haag.	Sullivant.
Harris.	Tarwater.
Head.	Tennyson.
Hester.	Thomas.
Hicks.	Tillery.
Hodges.	Townsend.
Holland.	Turlington.
Holloway.	Van Zandt.
Hoskins.	Vaughan.
Huddleston.	Walker.
Hughes.	Wells.
Hunt.	Winningham.
Jefferson.	

Nays—39

Alexander.	Kayton.
Anderson	Kyle of Palo Pinto.
of Bexar.	Long.
Baker.	Mathis.
Butler.	McDougald.
Cathey.	McGregor.
Caven.	Moffett.
Clayton.	Morrison.
Devall.	Morse.
Dunlap.	Munson.
Dwyer.	Nicholson.
Griffith.	Parkhouse.
Hankamer.	Patterson.
Hartzog.	Pavlica.
Hill of Brazoria.	Reed of Bowie.
Hyder.	Reed of Dallas.
Jackson.	Ross.
James.	Scarborough.

Steward.	Wagstaff.
Stinson.	Weinert.

Absent

Beck.	Leonard.
Bedford.	McCullough.
Bradley.	McKee.
Colson.	Palmer.
Coombes.	Ramsey.
Cowley.	Ray.
Duvall.	Reader.
Few.	Renfro.
Good.	Riddle.
Harman.	Rogers
Harrison.	of Ochiltree.
Hill of Webb.	Savage.
Johnson	Stanfield.
of Anderson.	Wood.
Jones of Runnels.	Young.

Absent—Excused

Barron.	Johnson
Fisher.	of Dimmit.
Golson.	Lemens.
Greathouse.	Merritt.
Holekamp.	

SPECIAL ORDER SET

On motion of Mr. Tarwater, House Bill No. 310 was set as a special order for 2 o'clock p. m., today.

HOUSE BILL NO. 91 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 91, A bill to be entitled "An Act fixing the salary of the official court reporter in each judicial district composed of one county only, and in which county there is only one district court; and also in each judicial district composed of two or more counties; and also in each judicial district composed of one county, which county composes also a portion of another judicial district, etc., and declaring an emergency";

The bill having heretofore been read second time.

Mr. Steward offered the following amendment to the bill:

Amend House Bill No. 91 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The official shorthand reporter of each judicial district in this State and the official shorthand reporter of any county court, either

civil or criminal, in this State, where the compensation of such reporter of such county court or judicial district is not otherwise provided by special law, shall receive a salary of two thousand five hundred dollars (\$2,500) per annum in addition to the compensation for transcript fees as provided for by law. Said salary shall be paid monthly by the commissioners court of the county out of the general fund of the county or, in the discretion of the commissioners court, out of the jury fund of said county, upon the certificate of the judge of such district or county court. In districts of this State composed of two or more counties, said salary shall be paid monthly by the counties of the district in proportion to the number of weeks provided by law for holding court in the respective counties in the district; provided, that in a district wherein in any county the term may continue until the business is disposed of, each county shall pay in proportion to the time court is actually held in such county.

"Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed."

STEWARD,
HARTZOG.

Mr. Good offered the following amendment to the amendment:

Amend amendment to House Bill No. 91 by striking out "\$2,500" and insert in lieu thereof "\$2,100."

Mr. Alsup offered the following substitute for the amendment by Mr. Good:

Substitute for amendment to amendment to House Bill No. 91 by providing, "\$1,800" in lieu of "\$2,100."

Question recurring on the substitute amendment, yeas and nays were demanded.

The substitute amendment was lost by the following vote:

Yeas—34

Alsop.	Haag.
Anderson	Head.
of Bexar.	Hester.
Baker.	Huddleston.
Caven.	Hyder.
Dunagan.	James.
Fain.	Latham.
Fuchs.	Long.
Glass.	Lotief.
Goodman.	Magee.
Graves.	Mitcham.

Pavlica.	Smith.
Puryear.	Stovall.
Ramsey.	Tillery.
Reed of Bowie.	Vaughan.
Rogers of Hunt.	Winningham.
Russell.	Wood.
Scott.	

Nays—66

Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Anderson	Laird.
of Johnson.	Lindsey.
Bedford.	Mackay
Bourne.	Mathis.
Burns.	McKee.
Butler.	Moffett.
Calvert.	Moore.
Canon.	Morrison.
Cathey.	Morse.
Celaya.	Nicholson.
Chastain.	Parkhouse.
Clayton.	Pope.
Cowley.	Ratliff.
Crossley.	Ray.
Davidson.	Reed of Dallas.
Dean.	Renfro.
Devall.	Roberts.
Ford.	Rogers
Good.	of Ochiltree.
Griffith.	Ross.
Hankamer.	Savage.
Harris.	Shannon.
Hartzog.	Shults.
Hicks.	Steward.
Hill of Brazoria.	Stinson.
Hodges.	Sullivant.
Holland.	Tennyson.
Hughes.	Thomas.
Jackson.	Townsend.
Jefferson.	Van Zandt.
Johnson	Wagstaff.
of Anderson.	Walker.
Kayton.	

Present—Not Voting

Jones of Atascosa. Rollins.

Absent

Adamson.	Holloway.
Barrett.	Hoskins.
Beck.	Hunt.
Bradley.	Jones of Runnels.
Camp.	Jones of Shelby.
Colson.	Leonard.
Coombes.	McClain.
Daniel.	McCullough.
Dunlap.	McDougald.
Duvall.	McGregor.
Dwyer.	Metcalfe.
Engelhard.	Munson.
Few.	Palmer.
Harman.	Patterson.
Harrison.	Reader.
Hill of Webb.	Riddle.

Scarborough. Weinert.
Stanfield. Wells.
Tarwater. Young.
Turlington.

Absent—Excused

Barron. Johnson
Fisher. of Dimmit.
Golson. Lemens.
Greathouse. Merritt.
Holekamp.

Question then recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—74

Adamson.	Kyle of Palo Pinto.
Aikin	Latham.
Alexander.	Long.
Alsup.	Lotief.
Anderson	Mackay.
of Bexar.	Magee.
Baker.	Mathis.
Bourne.	McDougald.
Burns.	Mitcham.
Calvert.	Morrison.
Camp.	Munson.
Canon.	Parkhouse.
Caven.	Puryear.
Celaya.	Reed of Bowie.
Dean.	Reed of Dallas.
Devall.	Riddle.
Dunagan.	Roberts.
Fain.	Rogers of Hunt.
Fuchs.	Ross.
Glass.	Russell.
Good.	Savage.
Goodman.	Scott.
Graves.	Shults.
Griffith.	Smith.
Haag.	Steward.
Harris.	Stinson.
Head.	Stovall.
Hester.	Sullivant.
Hicks.	Tarwater.
Hodges.	Tennyson.
Huddleston.	Thomas.
Hyder.	Tillery.
Jackson.	Townsend.
James.	Turlington.
Johnson	Vaughan.
of Anderson.	Walker.
Jones of Atascosa.	Wells.
Jones of Shelby.	Winningham.

Nays—24

Anderson	Crossley.
of Johnson.	Ford.
Butler.	Hankamer.
Cathey.	Hill of Brazoria.
Clayton.	Holland.

Hughes.	Ramsey.
Jefferson.	Ratliff.
Kyle of Hays.	Ray.
Lindsey.	Shannon.
McKee.	Van Zandt.
Moore.	Wagstaff.
Morse.	Wood.
Nicholson.	

Present—Not Voting

Moffett.	Rollins.
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Absent

Barrett.	Hunt.
Beck.	Jones of Runnels.
Bedford.	Kayton.
Bradley.	Laird.
Chastain.	Leonard.
Colson.	McClain.
Coombes.	McCullough.
Cowley.	McGregor.
Daniel.	Metcalfe.
Davidson.	Palmer.
Dunlap.	Patterson.
Duvall.	Pavlica.
Dwyer.	Pope.
Engelhard.	Reader.
Few.	Renfro.
Harman.	Rogers
Harrison.	of Ochiltree.
Hartzog.	Scarborough.
Hill of Webb.	Stanfield.
Holloway.	Weinert.
Hoskins.	Young.

Absent—Excused

Barron.	Johnson
Fisher.	of Dimmit.
Golson.	Lemens.
Greathouse.	Merritt.
Holekamp.	

Mr. Alsup moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair.)

Mr. Russell offered the following amendment to the amendment:

Amend amendment to House Bill No. 91 by adding another Section, after Section 1, to be known as Section 1-a, to read as follows:

“Section 1-a. Beginning on September 1, 1935, all salaries and actual and necessary expenses now provided by law or that may hereafter be provided by law for the services of official shorthand reporters and deputy official shorthand reporters of the dis-

trict courts of this State, as provided by this Act, shall hereafter be paid by the State of Texas upon the sworn statement of the reporters, approved by the judges of such districts; appropriations shall be made by the Legislature to pay such salaries and expenses.

"All stenographers' fees now taxed as costs in civil cases in the district courts of the State of Texas, as provided in this Act, and collected by the clerks of the said courts, shall be paid when collected, into the State Treasury; provided, however, the present method of paying county court reporters shall not be affected under this Act."

RUSSELL,
BECK,
BUTLER,
LONG,
GOOD,
FAIN,
ALSUP.

Mr. Van Zandt moved to table the amendment by Mr. Russell.

The motion to table was lost.

Question then recurring on the amendment by Mr. Russell, it was adopted.

Mr. Long offered the following amendment to the amendment:

Amend amendment to House Bill No. 91 by striking out "September 1, 1935," and insert in lieu thereof "September 1, 1933."

LONG,
BURNS,
ALSUP.

Mr. Anderson of Bexar moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—85

Adamson.	Clayton.
Alexander.	Cowley.
Anderson	Crossley.
of Bexar.	Dean.
Anderson	Devall.
of Johnson.	Dunagan.
Baker.	Dwyer.
Barrett.	Few.
Barron.	Ford.
Beck.	Glass.
Bradley.	Good.
Calvert.	Goodman.
Camp.	Graves.
Cathey.	Griffith.
Caven.	Hankamer.
Chastain.	Harrison.

Hartzog.	Parkhouse.
Head.	Pavlica.
Hicks.	Pope.
Hill of Brazoria.	Purveyar.
Holland.	Ratliff.
Holloway.	Ray.
Hoskins.	Reed of Dallas.
Huddleston.	Renfro.
Hughes.	Riddle.
Hyder.	Roberts.
Jefferson.	Rollins.
Johnson	Ross.
of Anderson.	Russell.
Jones of Atascosa.	Shannon.
Kyle of Hays.	Shults.
Kyle of Palo Pinto.	Stanfield.
Lindsey.	Steward.
Magee.	Stinson.
Mathis.	Stovall.
McClain.	Sullivant.
McDougald.	Tarwater.
McGregor.	Thomas.
Metcalfe.	Townsend.
Moffett.	Van Zandt.
Moore.	Wagstaff.
Morse.	Weinert.
Munson.	Winningham.
Nicholson.	Young.

Nays—38

Aikin.	Mackay.
Alsop.	Mitcham.
Bedford.	Morrison.
Bourne.	Palmer.
Burns.	Ramsey.
Canon.	Reed of Bowie.
Daniel.	Rogers of Hunt.
Davidson.	Rogers
Fain.	of Ochiltree.
Fuchs.	Scarborough.
Haag.	Scott.
Harris.	Smith.
Hodges.	Tennyson.
Hunt.	Tillery.
James.	Turlington.
Jones of Shelby.	Vaughan.
Laird.	Walker.
Latham.	Wells.
Long.	Wood.
Lotief.	

Absent

Butler.	Hill of Webb.
Celaya.	Jackson.
Colson.	Jones of Runnels.
Coombes.	Kayton.
Dunlap.	Leonard.
Duvall.	McKee.
Engelhard.	Patterson.
Harman.	Reader.
Hester.	Savage.

Absent—Excused

Fisher.	Greathouse.
Golson.	Holekamp.

Johnson
of Dimmit.
Lemens.

McCullough.
Merritt.

Mr. Stinson offered the following amendment to the amendment:

Amend amendment to House Bill No. 91 by adding another Section, after Section 2, to be numbered Section 3, as follows:

"Section 3. The crowded condition of the calendar, and the fact that the salaries of official court reporters under present conditions are excessive and should be immediately reduced, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall be in full force from and after its passage, and it is so enacted."

The amendment was adopted.

The amendment as amended was then adopted.

Mr. Steward offered the following amendment to the bill:

Amend House Bill No. 91 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 91,

**A BILL
To Be Entitled**

An Act fixing the salary of the official shorthand reporter in each judicial district of this State and the official shorthand reporter of any county court, either civil or criminal, in this State, where the compensation of such reporter of such county court or judicial district is not otherwise provided by special law; providing for the manner of payment; repealing all laws in conflict herewith, and declaring an emergency."

House Bill No. 91 was then passed to engrossment by the following vote:

Yeas—105

Adamson.	Bourne.
Aikin.	Burns.
Alexander.	Calvert.
Alsup.	Camp.
Anderson	Canon.
of Johnson.	Cathey.
Baker.	Caven.
Barron.	Celaya.
Beck.	Chastain.
Bedford.	Cowley.

Crossley.	McClain.
Daniel.	McDougald.
Davidson.	Mitcham.
Dean.	Moffett.
Devall.	Morrison.
Dunagan.	Munson.
Engelhard.	Nicholson.
Fain.	Palmer.
Few.	Parkhouse.
Ford.	Pavlica.
Fuchs.	Puryear.
Glass.	Ramsey.
Good.	Ratliff.
Goodman.	Ray.
Graves.	Reed of Bowie.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Harman.	Roberts.
Harris.	Rogers of Hunt.
Harrison.	Rollins.
Hartzog.	Ross.
Head.	Russell.
Hicks.	Scarborough.
Hodges.	Scott.
Holloway.	Shults.
Hoskins.	Smith.
Huddleston.	Stanfield.
Hunt.	Stinson.
Hyder.	Stovall.
James.	Sullivant.
Jefferson.	Tarwater.
Johnson	Tennyson.
of Anderson.	Thomas.
Jones of Atascosa.	Tillery.
Jones of Shelby.	Townsend.
Kyle of Palo Pinto.	Turlington.
Laird.	Vaughan.
Latham.	Walker.
Leonard.	Weinert.
Lindsey.	Wells.
Long.	Winningham.
Lotief.	Wood.
Mackay.	

Nays—15

Anderson	Magee.
of Bexar.	Metcalfe.
Barrett.	Moore.
Bradley.	Morse.
Butler.	Patterson.
Hill of Brazoria.	Shannon.
Holland.	Van Zandt.
Hughes.	Wagstaff.

Absent

Clayton.	Kyle of Hays.
Colson.	Mathis.
Coombes.	McGregor.
Dunlap.	McKee.
Duvall.	Pope.
Dwyer.	Reader.
Hester.	Rogers
Hill of Webb.	of Ochiltree.
Jackson.	Savage.
Jones of Runnels.	Steward.
Kayton.	Young.

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

HOUSE BILL NO. 91 ON THIRD READING

Mr. Steward moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adamson.	Hicks.
Aikin.	Hill of Brazoria.
Alexander.	Hodges.
Alsup.	Holloway.
Anderson	Hoskins.
of Bexar.	Huddleston.
Anderson	Hughes.
of Johnson.	Hunt.
Baker.	Hyder.
Barron.	James.
Beck.	Jefferson.
Bedford.	Johnson
Bourne.	of Anderson.
Burns.	Jones of Atascosa.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Camp.	Kyle of Palo Pinto.
Canon.	Laird.
Cathey.	Latham.
Caven.	Leonard.
Celaya.	Lindsey.
Chastain.	Long.
Cowley.	Lotief.
Crossley.	Mackay.
Daniel.	Magee.
Davidson.	Mathis.
Dean.	McClain.
Devall.	McDougald.
Dunagan.	McGregor.
Dwyer.	Metcalfe.
Engelhard.	Mitcham.
Fain.	Moffett.
Few.	Morrison.
Ford.	Munson.
Fuchs.	Nicholson.
Glass.	Palmer.
Good.	Parkhouse.
Goodman.	Pavlica.
Graves.	Pope.
Griffith.	Puryear.
Haag.	Ramsey.
Hankamer.	Ratliff.
Harris.	Ray.
Harrison.	Reed of Bowie.
Hartzog.	Reed of Dallas.
Head.	Renfro.

Riddle.	Sullivant.
Roberts.	Tarwater.
Rogers of Hunt.	Thomas.
Rollins.	Tillery.
Ross.	Townsend.
Russell.	Turlington.
Scarborough.	Van Zandt.
Scott.	Vaughan.
Shannon.	Wagstaff.
Shults.	Walker.
Smith.	Weinert.
Stanfield.	Wells.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	

Nays—6

Barrett.	Holland.
Bradley.	Moore.
Clayton.	Morse.

Absent

Colson.	Kyle of Hays.
Coombes.	McKee.
Dunlap.	Patterson.
Duvall.	Reader.
Harman.	Rogers
Hester.	of Ochiltree.
Hill of Webb.	Savage.
Jackson.	Tennyson.
Jones of Runnels.	Young.

Absent—Excused

Fisher.	Johnson of Dimmit.
Golson.	Lemens.
Greathouse.	McCullough.
Holekamp.	Merritt.

The Speaker then laid House Bill No. 91 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Adamson.	Daniel.
Aikin.	Davidson.
Alexander.	Dean.
Alsup.	Devall.
Anderson	Dunagan.
of Johnson.	Dwyer.
Baker.	Engelhard.
Barron.	Fain.
Beck.	Few.
Bourne.	Ford.
Burns.	Fuchs.
Butler.	Glass.
Calvert.	Good.
Camp.	Goodman.
Canon.	Griffith.
Cathey.	Hankamer.
Caven.	Harris.
Celaya.	Harrison.
Chastain.	Hartzog.
Cowley.	Head.
Crossley.	Hicks.

Hodges.	Puryear.
Holloway.	Ramsey.
Hoskins.	Ratliff.
Huddleston.	Ray.
Hunt.	Reed of Bowie.
Hyder.	Reed of Dallas.
Jackson.	Renfro.
James.	Riddle.
Jefferson.	Roberts.
Johnson	Rogers of Hunt.
of Anderson.	Ross.
Jones of Atascosa.	Russell.
Jones of Shelby.	Scarborough.
Kayton.	Scott.
Kyle of Palo Pinto.	Shults.
Laird.	Smith.
Latham.	Stanfield.
Leonard.	Steward.
Lindsey.	Stinson.
Long.	Stovall.
Lotief.	Sullivant.
Mackay.	Tarwater.
Magee.	Tennyson.
Mathis.	Thomas.
McClain.	Tillery.
McDougald.	Townsend.
Mitcham.	Turlington.
Moffett.	Vaughan.
Morrison.	Walker.
Munson.	Weinert.
Nicholson.	Wells.
Parkhouse.	Winningham.
Pavlica.	Wood.
Pope.	

Nays—14

Barrett.	Metcalfe.
Bradley.	Moore.
Clayton.	Morse.
Haag.	Rollins.
Hill of Brazoria.	Shannon.
Holland.	Van Zandt.
Hughes.	Wagstaff.

Absent

Anderson	Jones of Runnels.
of Bexar.	Kyle of Hays.
Bedford.	McGregor.
Colson.	McKee.
Coombes.	Palmer.
Dunlap.	Patterson.
Duvall.	Reader.
Graves.	Rogers
Harman.	of Ochiltree.
Hester.	Savage.
Hill of Webb.	Young.

Absent—Excused

Fisher.	Johnson of Dimmit.
Golson.	Lemens.
Greathouse.	McCullough.
Holekamp.	Merritt.

MESSAGE FROM THE GOVERNOR

Miss Kathleen Trigg, assistant secretary to the Governor, being an-

nounced at the Bar of the House, was admitted, and presented the following message from the Governor:

Executive Office,
Austin, Texas, May 13, 1933.

To the Forty-third Legislature:

At the request of Representatives W. E. Pope, W. Edgar Davidson, and Jos. F. Greathouse, I am submitting herewith

— B. No. —, A bill to be entitled "An Act amending Articles 2959 and 2960, of the 1925 Revised Civil Statutes of the State of Texas, so as to eliminate the requirement of the payment of a poll tax for the year 1933, and providing for the payment of a registration fee in lieu of the poll tax for 1933 where poll tax has not been paid when this Act becomes effective; providing for voting on poll tax receipts as well as on registration fee certificates; providing for paying registration fee between January 1, 1933, and July 25, 1933; repealing all laws in conflict herewith, and declaring an emergency,"

as an emergency measure for your consideration. There is an unusual number of elections to be held during the current year, and the legislation will permit many good citizens to vote who otherwise would be denied that privilege.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 127, "An Act amending Article 3773 of 1925 Civil Statutes, so as to provide that a judgment in courts of record will not become dormant where execution has issued on such judgment within ten years after its rendition; and declaring an emergency."

H. B. No. 578, "An Act defining certain words, terms, and phrases for the purposes of this Act; providing and imposing an occupation tax on sales in intrastate commerce in this State, of cigarettes, according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the State Treas-

urer; authorizing and requiring the Treasurer to design and have printed or manufactured, such stamps; requiring such stamps to be affixed on each individual package of cigarettes; providing that such stamps shall be supplied by the Treasurer to all licensed dealers, at a discount, when purchased in certain quantities; etc.; and declaring an emergency."

H. B. No. 399, "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Nacogdoches County, during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 450, "An Act amending Chapter 16 of the Acts of the General Laws of the Fourth Called Session of the Forty-first Legislature of the State of Texas so as to provide that seventy-five per cent of the salary of the county judge as well as seventy-five per cent of the salaries of county commissioners be paid out of the road and bridge fund and the remainder be paid out of the general fund of the county, and declaring an emergency."

H. B. No. 296, "An Act to amend Article 1685, of the Revised Civil Statutes of Texas, 1925, providing for quarterly and annual reports of the county auditor to the commissioners court, and district judge, or judges, of his county; providing for contents of said report; providing for the time of filing, and declaring an emergency."

H. B. No. 264, "An Act providing the electors, voting in the election held for the issuance of bonds within the State of Texas or any political subdivision thereof, shall be the owner of taxable property in the State where such election is held and which has been duly rendered for taxation, and providing the tax collector shall certify list of property owners to election judges, and providing that all such electors shall reside in the precinct in which he votes, and declaring an emergency."

H. B. No. 360, "An Act to amend Article 451, of the Code of Criminal Procedure, 1925, relating to the taking of bail in felony cases; providing that in cases of arrest for felony less

than capital, the sheriff may take the bail, and providing a manner of requiring new bail after indictment, if insufficient bail has been taken; and declaring an emergency."

H. B. No. 97, "An Act amending Article 841 of the Code of Criminal Procedure of the State of Texas, 1925, so as to provide that the clerk of a court from which an appeal is taken shall prepare a transcript in duplicate in every case, the copy to be filed in the trial court with the original papers in the case, and declaring an emergency."

H. B. No. 280, "An Act to amend Chapter 273, General Laws, Regular Session, Fortieth Legislature, fixing the salaries of Judges of the Supreme Court, Court of Criminal Appeals, Judges of the Supreme Court Commission of Appeals, Judges of the Commission in Aid of the Court of Criminal Appeals, Judges of the Courts of Civil Appeals, and district courts, including criminal district courts of this State; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 154, "An Act amending Article 7071, Title 122, Chapter 2, Revised Civil Statutes of 1925, and providing for the levying of an occupation tax on petroleum oil, mineral oil, or other oils that are taken from the earth; providing the date of payment of same, and providing the manner and time of reporting same to the Treasury of this State, and providing for inspection of records kept by persons engaged in such business, etc.; and declaring an emergency."

H. B. No. 182, "An Act to amend Article 6834, of the Revised Civil Statutes of Texas of 1925, as amended by Acts of the Fifth Called Session of the Forty-first Legislature, Chapter 28, page 160, Section 1, relating to the manner of holding elections for the issuing of sea wall bonds, and to amend Article 6835, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Acts of the Fourth Called Session of the Forty-first Legislature, Chapter 35, page 73, Section 2, relating to the manner of declaring the results of elections held for the issuance of sea wall bonds; and declaring an emergency."

H. B. No. 891, "An Act providing for the payment by the Secretary of State for the printing of constitutional amendments submitted by the Forty-second Legislature, out of the moneys

appropriated by the Forty-second Legislature; and declaring an emergency."

H. B. No. 670, "An Act providing for the issuance of licenses for life, health, and accident insurance agents, and the cancellation thereof, regulating the conduct of persons and companies with reference to acting as, and through, life, health, and accident insurance agents, providing penalties, repealing laws in conflict, and declaring an emergency."

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

S. J. R. No. 3, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new Section, to be numbered 3, so as to authorize any county to adopt a home rule charter for the establishment and regulation of its government, and further providing that the Legislature shall pass all laws necessary to carry out the intent and purpose of this section of the Constitution.

H. J. R. No. 14, Proposing an amendment to Article V, of the Constitution of the State of Texas, by adding a new section thereto with four lettered subdivisions, providing for the abolishment of the fee method of compensating county and precinct officers, and providing that all such officers be paid on a salaries basis, and providing for the payment of all fees into the county treasury; and conferring upon commissioners courts general management and control of county affairs; and providing for the appointment of certain officers by the commissioners court, and the combining of any such offices, etc.; repealing all provisions of the Constitution in conflict therewith; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

S. J. R. No. 30, Proposing an amendment to Article III, of the Constitution of the State of Texas, to be known as Section 51-a; providing that the Legislature may authorize by law the issuance and sale of bonds of the State of Texas, not to exceed the sum of \$20,000,000, etc.

S. J. R. No. 16, Proposing amend-

ment to Section 1, of Article VIII, of the Constitution of the State of Texas. Providing that taxation of real property shall be equal and uniform; and all property, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value as may be ascertained as provided by law; that the Legislature may make reasonable classification of all property other than real property for the purpose of taxation; providing that the taxation of property in any class shall be equal and uniform; and providing that the Legislature may impose a poll tax and may impose an occupation tax on natural persons and corporations, other than municipal, doing business in this State; etc.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 552, A bill to be entitled "An Act conferring additional powers on the boards of trustees of independent school districts situated in counties having a population, according to the latest Federal Census, more than 22,000 and less than 22,100, by providing that the boards of trustees of such districts may issue refunding warrants in lieu of eligible vouchers, as defined herein, issued prior to January 1, 1932, prescribing the duties of the boards of trustees in reference to the issuance of said refunding warrants, expressly authorizing and validating said outstanding eligible vouchers and refunding warrants issued in lieu thereof, prescribing the duties of such boards of trustees in reference to the levying and collecting taxes to pay the principal and interest of said refunding warrants, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 325 ON SECOND READING

On motion of Mr. Pavlica, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 325, A bill to be entitled "An Act, prescribing and fixing the number of hours that shall constitute a legal day's work on all work being performed by, or on behalf of, the State of Texas, or on behalf of any county, municipal, or other legal or political subdivision of said State; providing for cases of emergency; prescribing penalties for its violation, and expressly repealing an Act passed at the Regular Session of the Thirty-second Legislature, known as House Bill No. 98, and being the same Act that was attempted to be vetoed by the Governor, but which veto was held ineffective by the Supreme Court because the veto message was filed with the Secretary of State after the expiration of twenty days, as held by the Supreme Court in the case of R. B. Minor et al. vs. C. C. McDonald, Secretary of State; and expressly repealing House Bill No. 298, known as Chapter 121 of the Acts of the Thirty-seventh Legislature, Regular Session, 1921."

The bill was read second time.

Mr. Laird offered the following committee amendment to the bill:

Amend House Bill No. 325 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. That Article 5166, of the Revised Civil Statutes of 1925, be amended so as to read as follows:

"Article 5166. Violating Eight-hour Law. All contracts made by or on behalf of the State of Texas, or by or on behalf of any county, municipality, or other legal or political division of the State, with any corporations, persons, or associations of persons for performance of any work, shall be deemed and considered as made upon the basis of eight hours constituting a day's work. The time consumed by the laborer in going to and returning from the place of work shall not be considered as part of the hours of work. It shall be unlawful for any corporation, person, or association of persons, having a contract with the State or any political subdivision thereof, to require or permit any such laborers, workmen, or mechanics, or other persons to work more than eight hours per calendar day in doing such work, except in cases of emergency, which may arise in times of war, or in cases where it becomes necessary to work more

than eight hours per calendar day for the protection of property, human life, or the necessity of housing inmates of public institutions in case of fire or destruction by the elements. In such emergencies the laborers, workmen, mechanics, or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work. Not less than the current rate of per-hour wages for like work in the locality where the work is being performed shall be paid to the laborers, workmen, mechanics, or other persons so employed by or on behalf of the State, or for any county, municipality, or other legal or political subdivision of the State, county, or municipality, and every contract made for the performance of work for the State or for any county, municipality, or other legal or political subdivision of the State, county, or municipality must comply with the requirements of this Chapter.'

"Sec. 2. Any person, or any officer, agent, or employe of any person, corporation, or association of persons, or any officer or agent or employe of the State, county, municipality, or other legal or political subdivision of the State, county, or municipality who shall fail or refuse to comply with the provisions of this Act, or who shall violate any of the provisions of this Act, shall, on conviction thereof, be deemed guilty of misdemeanor, and shall be punished by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or by imprisonment not to exceed six months, or by both such fine and imprisonment, and each and every day of such violation shall constitute a separate offense."

Mr. Clayton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 325 by adding, at the end of Section 1, the following: "Providing, however, that the provisions of this Act shall not apply to relief work, such as that done under the provisions of the Reconstruction Finance Corporation Acts."

CLAYTON,
WALKER.

On motion of Mr. Laird, the amendment was tabled.

The committee amendment was then adopted.

Mr. Laird offered the following committee amendment to the bill:

Amend House Bill No. 325 by striking out all above the enacting clause, and substituting in lieu thereof the following:

"H. B. No. 325,

A BILL
To Be Entitled

An Act to amend Article 5166, Chapter 5, Title 83, of the Revised Civil Statutes of Texas, 1925, relating to the hours of labor."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 325 was then passed to engrossment.

HOUSE BILL NO. 325 ON THIRD
READING

Mr. Laird moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 325 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Dunagan.
Aikin.	Duvall.
Alexander.	Engelhard.
Alsup.	Fain.
Anderson	Few.
of Bexar.	Ford.
Anderson	Glass.
of Johnson.	Griffith.
Baker.	Haag.
Barrett.	Hankamer.
Beck.	Harris.
Bourne.	Harrison.
Bradley.	Hartzog.
Burns.	Head.
Calvert.	Hicks.
Camp.	Hill of Brazoria.
Canon.	Holekamp.
Cathey.	Holloway.
Caven.	Hyder.
Chastain.	Jackson.
Clayton.	James.
Cowley.	Jefferson.
Crossley.	Johnson
Daniel.	of Anderson.
Davidson.	Jones of Shelby.
Dean.	Kayton.

Kyle of Hays.	Renfro.
Kyle of Palo Pinto.	Roberts.
Laird.	Rogers of Hunt.
Latham.	Rollins.
Lindsey.	Ross.
Long.	Russell.
Lotief.	Savage.
Mackay.	Scarborough.
Magee.	Shannon.
Mathis.	Shults.
McClain.	Smith.
McDougald.	Stanfield.
McGregor.	Steward.
Metcalfe.	Stinson.
Moffett.	Stovall.
Moore.	Sullivant.
Morrison.	Tarwater.
Morse.	Tennyson.
Munson.	Thomas.
Nicholson.	Tillery.
Parkhouse.	Townsend.
Patterson.	Turlington.
Pavlica.	Van Zandt.
Pope.	Vaughan.
Puryear.	Wagstaff.
Ramsey.	Walker.
Ratliff.	Weinert.
Ray.	Wells.
Reed of Bowie.	Winningham.
Reed of Dallas.	Wood.

Nays—2

Devall.	Huddleston.
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Absent

Barron.	Hoskins.
Bedford.	Hughes.
Butler.	Hunt.
Celaya.	Jones of Atascosa.
Colson.	Jones of Runnels.
Coombes.	Leonard.
Dunlap.	McKee.
Dwyer.	Mitcham.
Fuchs.	Palmer.
Good.	Reader.
Goodman.	Riddle.
Graves.	Rogers
Harman.	of Ochiltree.
Hester.	Scott.
Hill of Webb.	Young.
Hodges.	

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holland.	McCullough.
	Merritt.

The Speaker then laid House Bill No. 325 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson.	Aikin.
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Alexander.	Latham.
Alsup.	Lindsey.
Anderson	Long.
of Bexar.	Lotief.
Anderson	Mackay.
of Johnson.	Magee.
Baker.	Mathis.
Barrett.	McClain.
Beck.	McDougald.
Bedford.	McGregor.
Bourne.	Metcalf.
Bradley.	Mitcham.
Burns.	Moffett.
Calvert.	Moore.
Camp.	Morrison.
Canon.	Morse.
Cathey.	Munson.
Caven.	Nicholson.
Chastain.	Parkhouse.
Cowley.	Patterson.
Crossley.	Pavlica.
Daniel.	Pope.
Davidson.	Puryear.
Dean.	Ramsey.
Dunagan.	Ratliff.
Duvall.	Ray.
Dwyer.	Reed of Bowie.
Engelhard.	Reed of Dallas.
Fain.	Renfro.
Few.	Roberts.
Ford.	Rogers of Hunt.
Glass.	Rollins.
Goodman.	Ross.
Graves.	Russell.
Griffith.	Savage.
Haag.	Scarborough.
Hankamer.	Shannon.
Harris.	Shults.
Harrison.	Smith.
Hartzog.	Stanfield.
Head.	Steward.
Hicks.	Stinson.
Hill of Brazoria.	Stovall.
Hughes.	Sullivant.
Hunt.	Tarwater.
Hyder.	Tennyson.
Jackson.	Thomas.
James.	Tillery.
Jefferson.	Townsend.
Johnson	Turlington.
of Anderson.	Van Zandt.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Wells.
Kyle of Palo Pinto.	Winningham.
Laird.	Wood.

Nays—2

Devall. Huddleston.

Absent

Barron.	Colson.
Butler.	Coombes.
Celaya.	Dunlap.
Clayton.	Fuchs.

Good.	McKee.
Harman.	Palmer.
Hester.	Reader.
Hill of Webb.	Riddle.
Hodges.	Rogers
Holland.	of Ochiltree.
Holloway.	Scott.
Hoskins.	Weinert.
Jones of Atascosa.	Young.
Leonard.	

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

FIXING TIME FOR CERTAIN PRESENTATIONS

Mr. Wells asked unanimous consent of the House that the hour of 11:30 o'clock a. m., next Thursday, be set aside for the purpose of making presentations to the Speaker of the House.

There was no objection offered, and it was so ordered.

HOUSE BILL NO. 183 ON SECOND READING

Mr. Jefferson moved to take up, for consideration at this time, House Bill No. 183, which bill had heretofore been laid on the table subject to call. The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 183, A bill to be entitled "An Act to regulate the occupation and practice of cosmetology; to create a State Board of Cosmetologists for the licensing of persons, firms, co-partnerships, associations, or corporations to carry on and/or to teach such practice, to insure the better education of such practitioners, etc."

The bill was read second time.

Mr. Jefferson offered the following committee amendment to the bill:

Amend House Bill No. 183 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. That there shall be appointed by the Governor of this State, a Board, consisting of three women, each of whom shall have had at least five years' practical experience in the art of beauty culture, and who shall be a graduate of some recognized

school of beauty culture of this or some other State. Their terms of office shall be for two years, four years, and six years from the date of the first appointment made to said Board by the Governor, and they shall be removed from office by the Governor for any just cause. The members of said Board shall annually elect from their number a president, and shall annually appoint a secretary, who shall not be a member of the Board, the compensation of the secretary to be fixed by the Board not exceeding twenty-five hundred dollars (\$2,500) per year; said Board shall have authority to appoint such assistant secretaries as may be needed to carry out the work of said Board, and appoint such women as, within their judgment, is necessary to carry out the provisions of this Act, and said employes shall have the power to enter and inspect all beauty shops and schools. Said secretary shall be bonded in a sufficient amount payable to the State of Texas to insure the faithful performance of his or her duties to said State, the bond to be on file with the Secretary of State.

"Sec. 2. Members of said Board shall receive no regular salary, but shall, when on active duty, pertaining to the requirements of said Board, receive not exceeding ten dollars (\$10) per day and five cents per mile for mileage actually traveled, together with necessary expenses.

"Sec. 3. It shall be the duty of the Board, within thirty days from the passage of this Act, to hold examinations in such places as, in their judgment, will be to the best interest and to be most convenient to the applicants.

"Sec. 4. (a) It shall be left to the discretion of said Board to formulate such rules, regulations, and qualifications as will be necessary for applicants to be licensed under this Act.

"(b) When applicant has passed such examination as may be required by said Board and shall have been granted a certificate of registration, same shall be displayed in his or her place of business or place of employment. Each beauty operator desiring to be registered shall make application to said Board in writing and shall pay a fee of ten dollars (\$10) for said registration, and each registered beauty operator shall be required to pay, beginning January 1,

1934, an annual renewal license of three dollars (\$3), said money to be paid to the secretary of said Board, and same shall be receipted for, and on the fifteenth day of each succeeding month, all moneys so collected by said secretary shall be turned over to the State Treasurer of the State of Texas to the credit of a special fund, to be known as the Beauty Parlor Fund, to be held and disbursed by him to the expense of operating said Board.

"(c) Any person having made application to said Board for registration or licensing, and within sixty days not having received said registration certificate, shall have returned to them said registration fee.

"(d) Any person who has been engaged in the art of beauty culture for one or more years, prior to the enactment of this bill, shall not be required to stand said examination, but shall, when making proper application, be granted a certificate of registration by paying the regular registration fee.

"Sec. 5. The Board shall have the right to revoke or cancel any license which may have been granted upon proper proof of misconduct of said licensed operator. The code of ethics and rules to be adopted by said Board and a copy of said rules and regulations to be mailed to each applicant together with their certificate of registration.

"Sec. 6. (a) The term 'beauty operator' or 'beautician' shall mean anyone engaged in the practice of beauty culture, to wit: Dressing, curling, waving, cleansing, singeing, bleaching, or bobbing the hair of any woman or child in a beauty shop, or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetics of any kind, lotions, or cream, cleansing, stimulating, manipulating, beautifying, or similar work of the scalp, face, neck, arms, bust, or upper part of the body of any person.

"(b) Any place or premises or parts thereof wherein or whereon any practice of beauty work, as defined in this Act, is being practiced, shall be known and construed under this Act to be a beauty shop or beauty school, and all operators within said shop or school, shall be liable to said Board and must qualify as beauticians or students.

"Sec. 7. (a) The said Board shall, with the approval of the State Board of Health, prescribe such sanitary rules as may be necessary with particular reference to the precautions necessary to be employed to prevent the creating or spreading of any infections or contagious diseases.

"(b) It shall be the duty of the inspectors who are appointed by said Board to carry out such rules as may be imposed by the Board, and said inspectors shall have authority, acting under said Board, to inspect any beauty shop or beauty school operating in this State.

"(c) All operators of schools or beauty shops shall comply with all rules pertaining to sanitary conditions prescribed by said Board as far as it is possible to do so.

"Sec. 8. If, at any time, the Board shall receive competent evidence that any school of beauty culture or beauty shop failed or refused to comply with terms, rules, and regulations as may be promulgated by said Board, or of such schools or shops being operated in a manner that will not meet with the approval of the State Board of Health, then said Board is empowered with authority to give said school or shop a notice within twenty days of the impending charge, and the said school or shop owner shall be given a public hearing before said Board, and upon failure to appear and answer such charges preferred against such school or beauty shop, said Board will revoke said license of said school or shop and same shall not be reinstated until proper corrections are made to comply with said rules and regulations.

"Sec. 9. Any person operating a school or beauty shop, or who is engaged in beauty culture, as defined in this Act, who shall neglect, fail, or refuse to comply with the rules of said Board, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200); each and every day of violation shall be construed as a separate offense.

"Sec. 10. Should any portion or section of this Act be declared unconstitutional, such decision shall affect that section or part of section only, and shall not render invalid any of the remainder of the Act.

"Sec. 11. The fact that there is

now no statute covering the sanitary control, and control of owners and operators engaged in this business, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, requiring bills to be read on three several days, and such rule is hereby suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Kyle of Palo Pinto offered the following amendment to the committee amendment:

Amend amendment to House Bill No. 183 by striking out the first twelve lines, Section 1, and adding in lieu thereof the following:

"There shall be appointed by the Governor of this State three female members to the State Barber Board, each of whom shall have had at least five years of practical experience in the art of beauty culture, and who shall be a graduate of some recognized school of beauty culture of this or some other State. Their term of office shall be for two years, four years, and six years from the date of their first appointment made by the Governor, and confirmed by the Senate of Texas by a two-thirds majority vote of the Senate. They shall be removed from the Board by the Governor for any just cause."

KYLE of Palo Pinto,
ALSUP.

The amendment was adopted.

Mr. Kyle of Palo Pinto offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 183 by saying "whenever the word 'secretary' is used in any paragraph of said bill, it shall mean the secretary of the State Barber Board."

KYLE of Palo Pinto,
ALSUP.

The amendment was adopted.

Mr. Kyle of Palo Pinto offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 183, Section 4, paragraph (b), by adding at the end thereof, the following:

"There is hereby appropriated, out of registration fees collected, the sum of \$35,000, or so much as may be necessary, to carry out this Act.

"And it is further provided that salaries of inspectors and one stenographer employed shall be paid on the same basis as paid barber inspectors and stenographers, and traveling expenses of inspectors shall be the same as paid barber inspectors."

KYLE of Palo Pinto,
ALSUP.

The amendment was adopted.

Mr. Scarborough offered the following amendment to the bill:

Amend House Bill No. 183 by striking out the enacting clause.

Question—Shall the amendment by Mr. Scarborough be adopted?

NOTICES GIVEN

Notices were given that motions would be made to take up, for consideration on the next legislative day, all bills which have heretofore been laid on the table subject to call.

RECESS

On motion of Mr. Patterson, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 183 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 183, relative to regulating the occupation and practice of beauty operators, on passage to engrossment;

The bill having heretofore been read second time, with committee amendment by Mr. Jefferson, and amendment by Mr. Scarborough, striking out the enacting clause of the bill, pending.

Mr. Moore moved to table the amendment by Mr. Scarborough.

Mr. Hoskins moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m., today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors

leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

The roll of the House was called, and the Speaker announced that there was a quorum present.

Mr. Morse moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Scarborough, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42

Aikin.	Mitcham.
Alsop.	Morrison.
Barrett.	Palmer.
Beck.	Ratliff.
Bourne.	Reed of Bowie.
Camp.	Roberts.
Canon.	Rogers of Hunt.
Caven.	Rollins.
Chastain.	Ross.
Cowley.	Scarborough.
Devall.	Scott.
Few.	Shults.
Goodman.	Smith.
Harris.	Stovall.
Hartzog.	Tillery.
Head.	Townsend.
Hicks.	Vaughan.
Huddleston.	Weinert.
Jones of Runnels.	Wells.
Lindsey.	Winningham.
Lotief.	Wood.

Nays—67

Adamson.	Hankamer.
Alexander.	Hester.
Anderson	Hill of Brazoria.
of Bexar.	Hodges.
Anderson	Holland.
of Johnson.	Holloway.
Bradley.	Hughes.
Burns.	Hyder.
Cathey.	Jackson.
Crossley.	James.
Davidson.	Jefferson.
Dean.	Jones of Sheiby.
Dunlap.	Kayton.
Dunagan.	Kyle of Hays.
Dwyer.	Kyle of Palo Pinto.
Fain.	Laird.
Ford.	Latham.
Fuchs.	Long.
Glass.	Mackay.
Good.	Magee.
Griffith.	McDougald.
Haag.	McGregor.

McKee.	Reed of Dallas.
Metcalfe.	Renfro.
Moffett.	Riddle.
Mobre.	Savage.
Morse.	Shannon.
Munson.	Stinson.
Nicholson.	Sullivant.
Parkhouse.	Thomas.
Patterson.	Turlington.
Pavlica.	Wagstaff.
Pope.	Walker.
Puryear.	Young.
Ray.	

Absent

Baker.	Hunt.
Barron.	Johnson
Bedford.	of Anderson.
Butler.	Jones of Atascosa.
Calvert.	Leonard.
Celaya.	Mathis.
Clayton.	McClain.
Colson.	Ramsey.
Coombes.	Reader.
Daniel.	Rogers
Duvall.	of Ochiltree.
Engelhard.	Russell.
Graves.	Stanfield.
Harman.	Steward.
Harrison.	Tarwater.
Hill of Webb.	Tennyson.
Hoskins.	Van Zandt.

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

Mr. Burns offered the following amendment to the amendment:

Amend committee amendment to House Bill No. 183 by adding a new Section to be numbered —:

"Section —. Provided, the provisions of this bill shall not apply to cities of 6,000 population and under, according to the last Federal Census."

BURNS,
DUNAGAN.

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to House Bill No. 183, page 4, Section 9, line 26, by striking out in said line the words "school or."

The amendment was lost by the following vote:

Yeas—52

Aikin.	Jones of Atascosa.
Anderson	Jones of Runnels.
of Johnson.	Laird.
Barrett.	Lindsey.
Beck.	Lotief.
Bourne.	Mitcham.
Burns.	Morrison.
Calvert.	Palmer.
Camp.	Puryear.
Canon.	Reed of Bowie.
Cathey.	Roberts.
Caven.	Rogers of Hunt.
Chastain.	Russell.
Cowley.	Scarborough.
Daniel.	Scott.
Davidson.	Shults.
Devall.	Smith.
Few.	Stovall.
Glass.	Sullivant.
Goodman.	Tarwater.
Harris.	Tillery.
Head.	Townsend.
Hicks.	Van Zandt.
Huddleston.	Vaughan.
Hunt.	Walker.
Johnson	Wells.
of Anderson.	Wood.

Nays—52

Adamson.	Long.
Alsup.	Mackay.
Anderson	McClain.
of Bexar.	McGregor.
Bradley.	McKee.
Celaya.	Metcalfe.
Crossley.	Moffett.
Dunlap.	Moore.
Fain.	Morse.
Ford.	Munson.
Fuchs.	Nicholson.
Griffith.	Parkhouse.
Haag.	Patterson.
Hankamer.	Pavlica.
Harrison.	Ratliff.
Hester.	Ray.
Hill of Brazoria.	Reed of Dallas.
Holland.	Riddle.
Holloway.	Rollins.
Hughes.	Savage.
Hyder.	Shannon.
Jackson.	Stinson.
James.	Thomas.
Jefferson.	Turlington.
Jones of Shelby.	Wagstaff.
Kayton.	Young.
Kyle of Palo Pinto.	

Absent

Alexander.	Colson.
Baker.	Coombes.
Barron.	Dean.
Bedford.	Dunagan.
Butler.	Duvall.
Clayton.	Dwyer.

Engelhard.	McDougald.
Good.	Pope.
Graves.	Ramsey.
Harman.	Reader.
Hartzog.	Renfro.
Hill of Webb.	Rogers
Hodges.	of Ochiltree.
Hoskins.	Ross.
Kyle of Hays.	Stanfield.
Latham.	Steward.
Leonard.	Tennyson.
Magee.	Weinert.
Mathis.	Winningham.

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

The committee amendment as amended was adopted.

Mr. Jefferson offered the following committee amendment to the bill:

Amend House Bill No. 183 by striking out all above the enacting clause, and substituting in lieu thereof the following:

“H. B. No. 183,

A BILL
To Be Entitled

An Act to regulate the occupation and practice of beauty operators; to create a State Board of Beauty Shop Examiners for the licensing of persons, firms, associations, or corporations to carry on and/or teach such practice; to provide rules regulating the practice of beauty culture, and the teaching of beauty culture, and the operation of beauty shops in this State; providing a penalty for violation; providing that if any section or part of this Act be declared unconstitutional, it shall not affect the validity of the remaining portions or sections; and declaring an emergency.”

The amendment was adopted.

House Bill No. 183 was then passed to engrossment by the following vote:

Yeas—63

Adamson.	Burns.
Alexander.	Butler.
Anderson	Cathey.
of Bexar.	Celaya.
Bradley.	Crossley.

Davidson.	Magee.
Dunlap.	McClain.
Dunagan.	McDougald.
Dwyer.	McGregor.
Ford.	McKee.
Fuchs.	Metcalfe.
Good.	Moffett.
Griffith.	Moore.
Haag.	Morse.
Hankamer.	Munson.
Harrison.	Nicholson.
Hartzog.	Parkhouse.
Hill of Brazoria.	Patterson.
Hodges.	Pavlica.
Holland.	Pope.
Hoskins.	Ray.
Hughes.	Reed of Dallas.
Hyder.	Savage.
Jackson.	Shannon.
James.	Smith.
Jefferson.	Stinson.
Jones of Shelby.	Tarwater.
Kyle of Hays.	Thomas.
Kyle of Palo Pinto.	Turlington.
Latham.	Van Zandt.
Long.	Wagstaff.
Mackay.	Young.

Nays—53

Aikin.	Jones of Runnels.
Alsop.	Laird.
Anderson	Lindsey.
of Johnson.	Lotief.
Barrett.	Mitcham.
Beck.	Morrison.
Bourne.	Palmer.
Calvert.	Puryear.
Camp.	Ratliff.
Canon.	Reed of Bowie.
Caven.	Roberts.
Chastain.	Rogers of Hunt.
Cowley.	Rollins.
Daniel.	Ross.
Dean.	Russell.
Devall.	Scarborough.
Fain.	Scott.
Few.	Shults.
Glass.	Stovall.
Goodman.	Sullivant.
Harris.	Tillery.
Head.	Townsend.
Hicks.	Vaughan.
Huddleston.	Walker.
Hunt.	Wells.
Johnson	Winningham.
of Anderson.	Wood.
Jones of Atascosa.	

Absent

Baker.	Engelhard.
Barron.	Graves.
Bedford.	Harman.
Clayton.	Hester.
Colson.	Hill of Webb.
Coombes.	Holloway.
Duvall.	Kayton.

Leonard.	Rogers
Mathis.	of Ochiltree.
Ramsey.	Stanfield.
Reader.	Steward.
Renfro.	Tennyson.
Riddle.	Weinert.

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 499, "An Act amending Chapter 5, of the General and Special Laws of the State of Texas, passed by the Forty-second Legislature, being known as House Bill No. 6, of said session, being an Act providing for open season on squirrels in Angelina and Tyler Counties, providing a penalty; and declaring an emergency."

S. B. No. 315, "An Act providing for the appointment of an official court reporter in and for each district court of Bexar County, either civil or criminal, by the judge of each district court of said county, either civil or criminal; providing the qualifications; providing that the salary of each of said official court reporters shall be fixed and determined by the judge so appointing such court reporter, and not otherwise; providing for the manner of payment of said salary, and out of what fund; providing for transcript fees; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law; and declaring an emergency."

HOUSE BILL NO. 310 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 310, A bill to be entitled "An Act defining 'warehouseman' and 'warehouse,' and names associated therewith; and providing for licensing and bonding of same and the manner of securing license and bond; and pro-

viding for the procedure thereof; defining the duties and liabilities of warehousemen; and providing for the Commissioner of Agriculture to supervise warehouses; and providing for records to be kept, and for the inspection of same; for warehouse examiners with a general director thereof; for salaries and qualifications, and for bonding of same, and prescribing their duties; providing for warehousemen to furnish an annual audit of reserve funds, assets, and liabilities, and the manner of making same; providing for examination fees, fixing the amount of same, and to whom payable; providing for the disposition of same to the State Treasurer in a special fund, etc.; and declaring an emergency."

The bill was read second time.

(Mr. Hartzog in the Chair.)

Mr. Tarwater offered the following committee amendments to the bill:

(1)

Amend House Bill No. 310 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. Public Warehouse and Warehouseman. The term 'warehouse,' as used in this Act, shall be deemed to mean any building, house, structure, or room, or other protected enclosure, in which any cotton, wheat, rice, oats, rye, or any other kind of grain or produce, wares or merchandise, or any personal property may be stored for hire, as that term is defined in this Act; provided, however, that all storage places for automobiles only, where automobiles are taken for daily storage, commonly known as automobile garages, shall be excluded from all provisions of this Act.

"(a) 'Public warehouseman,' as used in this Act, shall mean any person, firm, corporation, partnership, or association of any persons, who shall receive from a depositor, as defined in this law, any of the above-mentioned commodities or merchandise for the purpose of storing same for hire.

"(b) 'Depositor,' as used in this Act, shall be deemed to mean any person, firm, corporation, partnership, or association of persons who, as owner and/or acting for owner, delivers any of the above-mentioned commodities or personal property in and to a public warehouse for storage.

"(c) The term 'for hire,' as used herein, shall be deemed to mean regular charges for storage or regular charges for handling, concentration, conditioning, and drayage where storage is included in the charge for such services pertaining to any of the commodities or personal property mentioned in this Section.

"(d) 'Commissioner,' as defined in this Act, shall mean the Commissioner of Agriculture of the State of Texas.

"Sec. 2. License and Bond. The Commissioner is authorized to and shall, upon application made to him, upon a form to be approved by him, issue to any individual, firm, corporation, partnership, or association of persons as the owner, proprietor, lessee, or manager of any warehouse in this State, a license to transact business in one or more places as a public warehouseman, in accordance with this Act, and with such rules and regulations as may be made thereunder. Before any such person shall be authorized to transact business as a public warehouseman in this State, he shall be required to procure from the Commissioner such license. The form of application to be made shall set forth, under oath, in substance the location and name of the warehouse, the kind and character of goods expected to be stored, the approximate floor space in square feet (or in cubic feet for grain elevators), the name of each person, individual, or member of the firm interested as owner or principal, and if it is owned or managed by a corporation, the names of the president, secretary, and treasurer shall be stated, and shall also furnish a statement showing his or their financial responsibility.

"Each person, firm, corporation, partnership, or association of persons making application to such Commissioner for a license to conduct a warehouse in accordance with this Act, shall, as a condition to the granting thereof, execute and file with the Commissioner a good and sufficient bond, payable to the State of Texas, to secure the faithful performance of his obligations as a warehouseman under the laws of this State, as well as under the terms of this Act, and the rules and regulations prescribed thereunder, and of such additional obligations, if any, as may be assumed by him as a warehouseman under contracts with the respective depositors

of commodities or personal property in such warehouse. Said bond shall be in the penal sum of not less than one thousand dollars (\$1,000), nor more than fifty thousand dollars (\$50,000), the exact amount to be left to the discretion of the Commissioner; and the Commissioner in fixing the amount shall have in mind the protection of the depositor, giving consideration to the financial condition of the warehouseman, as well as the amount of business being transacted or contemplated to be transacted annually, and as a further guide in determining such amount, within the maximum fixed herein, the kind and character of goods to be stored, the approximate floor space in the warehouse and bin capacity of grain elevators and the history of the warehouses or those managing or owning the same, and said bond shall be signed by the person, firm, or corporation making the application as principal and any insurance carrier duly licensed to do a fidelity and surety business in this State; and provided further, that the acceptance of any such bond shall be made only upon approval thereof by the Commissioner of Agriculture. Said bond shall also be continuous in form and it shall be the duty of any such insurance carrier after signing said bond, to officially notify the Commissioner of payment or non-payment of premiums due thereon, by the warehouseman. If a warehouseman fails to keep such bond intact and continuous, and undertakes to operate a public warehouse, he shall be penalized as hereinafter provided. Said bond shall indemnify any person or persons who may be damaged by failure of the warehouseman to deliver any of the commodities or personal property stored with him, or them, upon demand made in compliance with this Act and the rules and regulations made in pursuance hereof, or by any statement made by the warehouseman, or anyone under his authority in any receipt issued for such products, commodities, or personal property stored with him. Suit may be brought in any court of competent jurisdiction by any person, firm, or corporation sustaining damage by reason of the breach of the conditions of such bond, growing out of any fault or act of the warehouseman or his agents in violation of the provisions of this Act, and any rules and regulations lawfully made in pur-

suance hereof. Any such suit may be instituted on such bond in any county in the State of Texas where such warehouseman resides or has an agent, representative, or place of business, and venue is hereby given to such district court, and when such suit shall have been filed in any such county and jurisdiction thereof acquired, it shall not be transferred to any other county except upon change of venue allowed by the court. Any person, firm, or corporation having a claim against the warehouseman shall have the right to intervene and be made a party to any action instituted by the State on the bond of the warehouseman and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject to the priority of claims as may be established in said judgment. If the full amount of the liability on said bond is insufficient to pay the full amount of said claims and demands, then, after taking care of the priorities in the judgment as may be established therein, the remainder shall be distributed pro rata among said interveners establishing judgment for the same.

"It is the obligation of the warehouseman under this law to exercise ordinary care in the storage, preservation, and handling of all commodities or personal property entrusted to him for storage in the same manner as a reasonably careful owner of similar goods would, under the same or similar circumstances, exercise.

"Every person, firm, corporation, partnership, or association of persons operating two or more warehouses, under a common management, ownership, and control in the State of Texas will be required to procure only one license and one bond; provided, however, that where one such license and bond is issued, the assets and bond applicable to all such warehouses shall be subject to the liabilities of each.

"If said bond becomes impaired from any cause, the Commissioner is authorized to, and shall, require the warehouseman, by written notice, to make good such impairment, and/or to furnish a new and sufficient bond in compliance with this law.

"Any person, firm, corporation, partnership, or association of persons who operates or undertakes to operate a public warehouse in this

State, and who fails to make the bond and secure the license as herein provided for, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided.

"Sec. 3. Exempting United States Warehouses. Warehouses that have complied with the United States Warehouse Act and are operating under United States warehouse license and bond and only issue receipts protected by such bond are hereby exempted from, and not required to, comply with the provisions of this Act; provided, however, this Section shall not apply to a warehouse that issues any receipt not protected by such bond, except that in case a warehouseman is licensed under the United States Warehouse Act and issues receipts protected by the bond thereunder and also issues receipts not so protected, the provisions of this Act, excepting Section 11, shall apply only to such portion of his warehouse facilities as may not be operated under the United States Warehouse Act and/or to such products as may not be protected by the bond provided under said Act.

"Sec. 4. Commissioner to Supervise. The Commissioner is authorized to, and shall, exercise general supervision over warehouses operating under provisions of this Act, and every public warehouse and warehouseman in this State shall be subject to the supervision and control of the Commissioner in the manner provided herein. Such warehouseman shall keep, or cause to be kept, a complete record of all warehouse affairs, in a permanent form, showing all kinds and classes of commodities or personal property received, stored, and/or shipped, stating weights and grades, where such weights and grades are required hereunder, dockage for dirt or other causes, the name of the owner or person depositing same or shipping same, also showing all warehouse receipts issued, surrendered, or cancelled, and any other information necessary to the proper conduct of such business. All records shall be kept on file and intact for one year from the closing of any storage transaction.

"The Commissioner shall examine or cause to be examined, by duly authorized agent or agents, the records of such affairs and such warehouses twice each year and at such other times

as may be necessary, because of complaints made or misconduct coming to the attention of the Commissioner from reputable sources. If, upon such examination of any such public warehouse or its reports or records, it is determined to be in an insolvent condition, or has exceeded its powers under this law or has failed to comply with any provisions of the law, the Commissioner or his authorized representatives shall call such matters to the attention of the warehouseman in writing, specifying such violations or derelictions, explain the applicable provisions of this Chapter and the reasonable and lawful rules and regulations made in pursuance hereof. If the same is not corrected within a reasonable length of time not exceeding thirty (30) days after the receipt of such notice, the Commissioner shall report such matter to the district or county attorney of the county in which the defaulting warehouse is located, and it shall thereupon become the duty of such district or county attorney to take such action as the necessity of the case and the law requires; provided, however, if such irregularities are with reference to the bond herein required of a public warehouseman, and the warehouseman fails to correct the same as herein provided, the Commissioner shall have the authority, and it shall become his duty to forthwith revoke the license of said warehouseman and place in a prominent place on the premises being operated, a notice stating that the warehouseman's license has been revoked by an order of the Commissioner.

"The Commissioner shall be entitled to approve all the forms of receipts, certificates, and records of whatever description necessary in the conduct of warehouses licensed under this Act, but such receipts, certificates, and forms shall be drawn so as to include the provisions required by the Uniform Receipts Act, namely, Chapter 4, of Title 93, of the present Revised Civil Statutes of Texas, and all warehouse receipts issued by any warehouseman licensed under this Act shall state the weight, grade, and condition of agricultural products stored in any warehouse operated by him when requested by the depositor to do so, and if such request is not made by the depositor, receipt may be issued omitting statement of weight and grade; provided, however, the Commissioner

may, in his discretion, require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable; and provided further, that every receipt issued for fungible agricultural products shall state the weight, grade, and condition of such products; and provided further, that the warehouseman may insert in such receipt such other provisions desired, not in conflict with provisions of this Act and/or Chapter 4, Title 93, Revised Civil Statutes of Texas, 1925. All receipts approved by the Commissioner shall be of uniform character for the same class of business in each instance, and shall state whether such agricultural products are insured or not. Block receipts conforming to the general form of receipts prescribed by the Commissioner may be issued by any warehouseman.

"Sec. 5. Director and Warehouse Examiners. The Commissioner shall, from time to time, appoint a general director and such number of examiners (not exceeding one examiner to every one hundred and fifty warehouses) as he may deem necessary to make proper and sufficient examination of all public warehouses operating under this Act, as comprehended in the preceding Section. As full compensation for the performance of the duties of warehouse director and warehouse examiners so appointed, they shall be entitled to receive such pay or salary as the Legislature may from time to time provide by means of appropriations, together with all reasonable and necessary expenses of such inspectors or examiners. An itemized and sworn account of each expense shall be made by the examiners and presented to the Commissioner for his approval, and unless approved by the Commissioner, shall have no binding effect. Every warehouse examiner appointed by the Commissioner hereunder, shall have at least a practical knowledge of warehousing and a practical knowledge of the grades of cotton and other major agricultural commodities mentioned in this law, and shall also be a competent bookkeeper. Before qualifying as examiner, such person so appointed shall first make and file with the Commissioner an affidavit that he will be fair and impartial in his examinations and make full, true, and correct reports thereof; that he will not accept directly, or indirectly, any gift,

pay, or compensation for any services done in the line of his duty, other than the pay or salary fixed by law, and further, that he will not reveal the condition of any corporation, firm, or person operating a public warehouse examined by him, or otherwise give out any information secured in the course of any examination made in the line of his duty, to anyone except the Commissioner, or in compliance with the requirements of a judicial proceeding. Such examiner shall be subject to be employed and discharged by the Commissioner.

"Sec. 6. Qualifications and Bond of Examiners. No examiner shall be appointed who is, at the time, an officer or stockholder in any warehouse company or corporation, or who owns any interest in any warehouse company. No such examiner shall be appointed receiver of any State bonded public warehouse company whose papers and affairs he shall have examined. Each such examiner shall give bond, payable to the State of Texas, in the sum of one thousand dollars (\$1,000). Said bond shall be made by any bonding company or association lawfully authorized to do a fidelity and surety business in the State of Texas.

"Sec. 7. Duties of Warehouse Examiners. Warehouse examiners appointed by the Commissioner, in compliance with this Act, shall go over the premises of the warehouse when examining the same, and shall take note of the arrangement of the goods stored, nature of the goods stored, especially as to inflammability, safety of the building, accessibility to goods stored, precaution against fire hazards by keeping the floors and surroundings clean, 'no smoking' signs in prominent places, fire extinguishers, water pails, hose in good repair, and every practicable facility required by the State Fire Insurance Commission. It shall also be the duty of such examiners to observe and report any other violation of requirements of the State Fire Insurance Commissioner, which would likely increase fire hazards and necessitate higher insurance rates, as well as to make such examination as is necessary to determine whether or not such public warehouse is being operated in compliance with the Act. The examiners shall have the right of ingress and egress to and from the property of any warehouseman during the business hours of any

business day for the purpose of making such examination. It shall also be the duty of the examiner to satisfy themselves that all commodities are in storage and intact for which receipts have been issued.

"Sec. 8. Statement of Affairs. The Commissioner shall require each and every public warehouseman, during the month of January of each year, to furnish him an annual audit showing the condition of the reserve fund, assets, and liabilities. Such reports shall be sworn to by the manager of the warehouse, and if such warehouse is a corporation, such reports shall, in addition thereto, be attested by its president or secretary and treasurer. The Commissioner may require special reports of a public warehouseman when the condition of such warehouse seems to warrant such special report. All reports of the examiner and reports made by the warehouseman to the Commissioner shall remain on file in the office of the Commissioner, and shall be confidential, and their contents shall not be divulged by any Commissioner, or by any employe or examiner of the Commissioner, unless required to do so by a court of competent jurisdiction in a proceeding in which the State is a party involving the conduct of the warehouse to which such reports relate or the conduct of some officer or official of such warehouse.

"Sec. 9. Examination Fees. Every public warehouseman, immediately upon the effective date of this Act, shall forward and pay to the Commissioner the inspection fees hereinafter provided, and thereafter during the month of January of each year, when he files his annual report, as hereinbefore provided, shall forward and pay to the Commissioner an annual inspection fee as follows, to wit: Any warehouse whose gross annual income from storage charges are less than one thousand dollars, five dollars (\$5); any warehouse whose gross annual income from storage charges is more than one thousand dollars and not exceeding twenty-five hundred dollars, ten dollars (\$10); any warehouse whose gross annual income from storage charges is more than twenty-five hundred dollars and not exceeding ten thousand dollars, twenty dollars (\$20); any warehouse whose gross annual income from storage charges is more than ten thousand dollars and

not exceeding twenty-five thousand dollars, twenty-five dollars (\$25); any warehouse whose gross annual income from storage charges is more than twenty-five thousand dollars and not exceeding fifty thousand dollars, thirty dollars (\$30); any warehouse whose gross annual income from storage charges is more than fifty thousand dollars and not exceeding one hundred thousand dollars, thirty-five dollars (\$35); any warehouse whose gross annual income from storage charges is more than one hundred thousand dollars and not exceeding three hundred and fifty thousand dollars, forty dollars (\$40); any warehouse whose gross annual income from storage charges is of three hundred and fifty thousand dollars or more shall pay a fee of fifty dollars (\$50).

"Sec. 10. All warehouse examination fees collected by the Commissioner as above set out shall be paid into the State Treasury and held in a fund to be known as 'warehouse administration fund,' and so much thereof as is necessary is hereby specifically appropriated for the use of the Commissioner of Agriculture in the administration of this Act.

"Sec. 11. Forced Liquidation. Whenever it comes to the knowledge of the Commissioner that any warehouseman is insolvent or any warehouseman or any official, manager, or employe in the conduct of its business has been guilty of any mismanagement or fraudulent misconduct amounting to abuse of trust to the depositors of said warehouse, and such condition is not forthwith remedied and alleviated on the request of the Commissioner and a continued operation of such business is, in the opinion of the Commissioner, likely to result in loss to the depositors, it shall be the duty of the Commissioner to report such matter to the district or county attorney, or the Attorney General, who shall thereupon institute such proceedings as the nature of the case may require. A court of competent jurisdiction, or judge thereof, in term time or vacation, before whom such proceedings are instituted, shall have the power to make such orders as may be necessary to grant the relief required by the condition shown. If such public warehouseman is insolvent the proceedings, among other things, shall be for the purpose of having a receiver appointed to take charge of such ware-

house and liquidate its business and wind up its affairs for the benefit of its creditors and other interested parties. After the petition for such receivership has been filed, the Commissioner may appoint a special agent to take charge of any such insolvent public warehouse, until a receiver is appointed. The special agent so appointed shall qualify, give bond, and receive compensation the same as a regularly appointed warehouse examiner, such compensation to be paid out of the assets of such public warehouse as part of the cost of the receivership proceedings. In no case shall such public warehouse be managed by such specially appointed agent for a longer period than sixty (60) days.

"Sec. 12. Grain Warehouses. No public warehouseman shall receive grain of any kind for storage and issue receipts therefor in excess of the storage capacity of warehouse operated by him; provided, however, such warehouseman is hereby authorized to take grain in excess of his storage capacity for handling, by issuing to the owner thereof a written memorandum showing the grade and weights of such grain and with the consent of the owner thereof, store said grain in another warehouse, licensed and bonded under this Act, but if such is done the warehouseman with whom the grain is stored shall be required to issue a receipt in due form to the owner thereof, and it is expressly provided that the warehouseman handling the grain and issuing memorandum, but not storing same in his warehouse, shall nevertheless be liable to the owner for full value of the grain until the owner thereof receives receipt from the warehouseman with whom the grain is stored.

"Sec. 13. Penalty for Violations of Act. (a) Any person who as owner, part owner, proprietor, manager, or agent who operates, or any person who as officer or agent of any person, firm, corporation, or association, who assists, aids, or abets in the operation of a warehouse for storage of commodities for hire as herein defined, without first having received a license from the Commissioner to do so, or who, in any manner fails to comply with any provisions of this Act or any lawful regulation of the Commissioner issued under the provisions of this Act, or who in viola-

tion of the provisions of this Act and/or Chapter 4, Title 93, Revised Civil Statutes of 1925, shall fail or refuse to make delivery of any grain or any other commodity when required to do so under said provisions, or in violation of any provisions of this Act and/or of Chapter 4, Title 93, Revised Civil Statutes of 1925, shall wrongfully sell or dispose of or convert to his own use any grain or other commodity stored with such warehouseman, shall be deemed guilty of violating the provisions of this Act and the requirements and regulations of the Commissioner, and shall be subject to a penalty of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) and costs, to be forfeited to the State of Texas, and paid into the General Revenue Fund of the State Treasury, and to be collected in a civil action in a court of competent jurisdiction in the county where such warehouse is located, instituted by the county or district attorney at the request of the Commissioner. Each such violation shall constitute a separate offense. The forfeitures and penalties herein provided shall not be deemed to be exclusive, and offenders against any provisions of this Act may be prosecuted in criminal actions as hereinafter provided or as is now provided by law; providing, however, the filing of criminal charges or the securing of convictions therein shall not be a prerequisite to a suit to recover the civil penalties provided herein.

“(b) Any person who as owner, part owner, proprietor, manager, or agent who operates, or any person, who as officer or agent of any person, firm, corporation, or association, who assists, aids, or abets in the operation of any public warehouse without making bond as required by this Act or which is not duly licensed by the Commissioner to operate as a public warehouse as herein provided, or fails to comply with any provision of this Act or any lawful regulation or requirement of the Commissioner made or issued pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in the sum of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for six months or both such fine and imprisonment.

“Sec. 14. Constitutional Section. If any part of this Act should be held unconstitutional or inoperative by any court, such holding shall not in any way affect any remaining part of this Act; and shall not render such other part or section unconstitutional or inoperative, but each remaining section or part of this Act shall continue to operate in full force and effect.

“Sec. 15. Repealing Section. That Chapters 1, 2, and 3, Article 5661, and Subsection 10, Article 5613, of Title 93, of the Revised Civil Statutes of 1925, of the State of Texas, and any other laws in conflict, be, and the same are hereby, expressly repealed.

“Sec. 16. Emergency and Enacting Clause. The fact that the existing laws regulating public warehouses are inadequate to meet the requirements of commerce, and to properly safeguard the handling of goods and products stored in such warehouse, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.”

(2)

Amend House Bill No. 310 by striking out all above the enacting clause, and substituting in lieu thereof the following:

“H. B. No. 310,

A BILL

To Be Entitled

An Act defining ‘warehousemen’ and ‘warehouse,’ names and words associated therewith; and providing for licensing and bonding of same and the manner of securing license and bond and exempting certain warehouses; and providing for the procedure thereof; defining the duties and liabilities of warehousemen; and providing for the Commissioner of Agriculture to supervise warehouses; and to approve forms of receipts, records, and certificates, and providing for records to be kept, and for the inspection of same; for warehouse examiners with a general director thereof; for salaries and qualifications and for bonding of

same and prescribing their duties; providing for warehousemen to furnish an annual audit of reserve funds, assets, and liabilities, and the manner of making same; providing for examination fees, fixing the amount of same and to whom payable; providing for the disposition of same to the State Treasurer in a special fund; providing for forced liquidation of insolvent warehousemen; providing for method of handling grain in excess of storage capacity; providing for forfeitures and penalties for violation of provisions of this Act and for violating certain provisions of Chapter 4, Title 93, Revised Civil Statutes, 1925; making failure to obey law a penal offense and fixing punishment therefor; providing for the interpretation of this Act; repealing Chapters 1, 2, and 3, and Article 5661, of Subsection 10, Article 5613, Chapter 4, Title 93, Revised Civil Statutes, 1925, and any other laws in conflict with this Act; and declaring an emergency."

The amendments were severally adopted.

House Bill No. 310 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 310

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 310 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—85

- | | |
|-------------|------------|
| Adamson. | Devall. |
| Aikin. | Duvall. |
| Alexander. | Dwyer. |
| Alsop. | Engelhard. |
| Anderson | Fain. |
| of Johnson. | Few. |
| Bourne. | Fuchs. |
| Burns. | Glass. |
| Calvert. | Good. |
| Camp. | Goodman. |
| Canon. | Griffith. |
| Cathey. | Haag. |
| Celaya. | Hankamer. |
| Cowley. | Harris. |
| Daniel. | Hester. |
| Dean. | Hicks. |

- | | |
|---------------------|-----------------|
| Hill of Brazoria. | Pope. |
| Hodges. | Purveyar. |
| Hoskins. | Ramsey. |
| Hughes. | Ratliff. |
| Hunt. | Ray. |
| Hyder. | Renfro. |
| Johnson | Roberts. |
| of Anderson. | Rogers of Hunt. |
| Jones of Runnels. | Rollins. |
| Jones of Shelby. | Savage. |
| Kayton. | Scott. |
| Kyle of Hays. | Shannon. |
| Kyle of Palo Pinto. | Shults. |
| Laird. | Smith. |
| Latham. | Steward. |
| Lindsey. | Stovall. |
| Long. | Sullivant. |
| Lotief. | Tarwater. |
| Mackay. | Tennyson. |
| Magee. | Thomas. |
| McClain. | Townsend. |
| McDougald. | Turlington. |
| McGregor. | Van Zandt. |
| Metcalf. | Wagstaff. |
| Moffett. | Weinert. |
| Morrison. | Wood. |
| Nicholson. | Young. |
| Palmer. | |

Nays—25

- | | |
|-------------|-----------------|
| Beck. | Parkhouse. |
| Bradley. | Patterson. |
| Caven. | Reed of Bowie. |
| Crossley. | Reed of Dallas. |
| Davidson. | Russell. |
| Ford. | Scarborough. |
| Head. | Stanfield. |
| Huddleston. | Stinson. |
| James. | Tillery. |
| Mitcham. | Vaughan. |
| Moore. | Walker. |
| Morse. | Winningham. |
| Munson. | |

Absent

- | | |
|-----------|--------------------|
| Anderson | Hill of Webb. |
| of Bexar. | Holland. |
| Baker. | Holloway. |
| Barrett. | Jackson. |
| Barron. | Jefferson. |
| Bedford. | Jones of Atascosa. |
| Butler. | Leonard. |
| Chastain. | Mathis. |
| Clayton. | McKee. |
| Colson. | Pavlica. |
| Coombes. | Reader. |
| Dunlap. | Riddle. |
| Dunagan. | Rogers |
| Graves. | of Ochiltree. |
| Harman. | Ross. |
| Harrison. | Wells. |
| Hartzog. | |

Absent—Excused

- | | |
|-------------|------------|
| Fisher. | Holekamp. |
| Golson. | Johnson |
| Greathouse. | of Dimmit. |

Lemens. Merritt.
McCullough.

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, March 15, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 561, A bill to be entitled "An Act declaring that all bonds, debentures, notes, collateral trust certificates, and other such evidences of indebtedness, which have been, or which may be, issued by the Federal Home Loan Bank Board, the Home Owners Loan Corporation, any Federated savings and loan association, Reconstruction Finance Corporation, the Federal Farm Loan Board, or by any Federal Land Bank, or any other entity, corporation, or agency now created, or hereafter to be created, and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act to amend Article 4686, of the Revised Civil Statutes of 1925, by prohibiting individuals, not otherwise expressly permitted by statute, to engage in the business of insuring others against insurable losses; providing that the Board of Insurance Commissioners shall be satisfied that any insurance carrier applying for a certificate of authority has in all respects complied with the laws of this State; providing that it shall be the duty of the Board of Insurance Commissioners to issue to such qualified carrier a certificate of authority under its seal, authorizing such carrier to transact an insurance business, naming the particular kind of same, for a period of not more than twelve months, and such authority not to extend beyond the last day of February following the date of issuance of said certificate; defining the term 'carrier,' and declaring an emergency." (With amendment.)

The Senate has granted the request of the House for a conference committee on House Bill No. 303. The following have been appointed on the part of the Senate: Senators Oneal, Purl, Poage, Collie, and Moore.

The Senate has adopted

S. C. R. No. 67, Relative to the appointment of a committee to draft and report to both Houses a detailed statement showing how and in what manner the appropriations for the several departments were reduced.

The Senate has granted the request of the House for a conference committee on House Bill No. 623. The following have been appointed on the part of the Senate: Senators Parr, Redditt, Woodward, Moore, and Beck.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SPECIAL ORDER SET

Mr. Tennyson moved that House Bill No. 733 be set as a special order for 10 o'clock a. m., Tuesday, May 16. The motion prevailed.

HOUSE BILL NO. 368 ON SECOND READING

Mr. Smith moved to take up, for consideration at this time, House Bill No. 368, which bill had heretofore been laid on the table subject to call.

Question recurring on the motion, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—61

Adamson.	Holland.
Aikin.	Hughes.
Anderson	Hyder.
of Bexar.	James.
Anderson	Jones of Shelby.
of Johnson.	Kayton.
Barrett.	Kyle of Hays.
Beck.	Laird.
Bourne.	Latham.
Burns.	Lindsey.
Calvert.	Long.
Crossley.	Mackay.
Daniel.	Magee.
Davidson.	Metcalfe.
Dean.	Morrison.
Duvall.	Palmer.
Fajn.	Pope.
Few.	Puryear.
Fuchs.	Ray.
Glass.	Rogers of Hunt.
Griffith.	Rollins.
Hankamer.	Shults.
Harman.	Smith.
Hartzog.	Stanfield.
Hester.	Steward.
Hodges.	Stovall.

Sullivant.
 Tarwater.
 Tennyson.
 Thomas.
 Tillery.
 Townsend.

Turlington.
 Van Zandt.
 Vaughan.
 Wood.
 Young.

Nays—47

Alexander.
 Alsup.
 Camp.
 Canon.
 Cathey.
 Caven.
 Celaya.
 Chastain.
 Devall.
 Dunlap.
 Dunagan.
 Dwyer.
 Ford.
 Good.
 Goodman.
 Harris.
 Head.
 Hicks.
 Hill of Brazoria.
 Huddleston.
 Johnson
 of Anderson.
 Jones of Runnels.
 Kyle of Palo Pinto.

Lotief.
 McGregor.
 Mitcham.
 Moore.
 Morse.
 Munson.
 Nicholson.
 Parkhouse.
 Patterson.
 Pavlica.
 Ramsey.
 Ratliff.
 Reed of Bowie.
 Reed of Dallas.
 Renfro.
 Roberts.
 Russell.
 Scarborough.
 Scott.
 Stinson.
 Wagstaff.
 Walker.
 Weinert.
 Wells.

Absent

Baker.
 Barron.
 Bedford.
 Bradley.
 Butler.
 Clayton.
 Colson.
 Coombes.
 Cowley.
 Engelhard.
 Graves.
 Haag.
 Harrison.
 Hill of Webb.
 Holloway.
 Hoskins.
 Hunt.

Jackson.
 Jefferson.
 Jones of Atascosa.
 Leonard.
 Mathis.
 McClain.
 McDougald.
 McKee.
 Moffett.
 Reader.
 Riddle.
 Rogers
 of Ochiltree.
 Ross.
 Savage.
 Shannon.
 Winningham.

Absent—Excused

Fisher.
 Golson.
 Greathouse.
 Holekamp.

Johnson
 of Dimmit.
 Lemens.
 McCullough.
 Merritt.

The Speaker then laid before the House, on its second reading and passage to engrossment.

H. B. No. 368, A bill to be entitled "An Act prohibiting the operation of, or permitting the operation of, any

freight train consisting of more than seventy (70) freight cars or other cars, exclusive of caboose, and prohibiting the operation of any passenger train consisting of more than fourteen (14) cars on any line or road, or any portion thereof, in the State of Texas, by any person, firm, association, company, or corporation operating any railroad in the State of Texas; fixing a penalty for the violation of this Act, and providing for the Attorney General to recover, in the name of the State of Texas, in any county through which said railroad may be run or operated, and making an exception in certain cases to the provisions of this Act; and declaring an emergency."

The bill was read second time.

Mr. Wells moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 368 then failed to pass to engrossment by the following vote:

Yeas—48

Adamson.
 Anderson
 of Bexar.
 Anderson
 of Johnson.
 Bourne.
 Bradley.
 Burns.
 Clayton.
 Daniel.
 Davidson.
 Fain.
 Few.
 Glass.
 Hankamer.
 Harrison.
 Hartzog.
 Hester.
 Holland.
 Holloway.
 Huddleston.
 Jackson.
 Jefferson.
 Kayton.
 Laird.

Latham.
 Lindsey.
 Long.
 Lotief.
 Magee.
 McDougald.
 McGregor.
 McKee.
 Metcalfe.
 Morrison.
 Palmer.
 Pope.
 Ray.
 Reed of Bowie.
 Roberts.
 Rogers of Hunt.
 Rollins.
 Smith.
 Steward.
 Stovall.
 Townsend.
 Turlington.
 Van Zandt.
 Vaughan.
 Winningham.

Nays—68

Aikin.
 Alexander.
 Alsup.
 Barrett.
 Barron.
 Camp.

Canon.
 Cathey.
 Caven.
 Celaya.
 Chastain.
 Cowley.

Crossley.	McClain.
Dean.	Mitcham.
Devall.	Moore.
Dunlap.	Morse.
Dunagan.	Munson.
Duvall.	Nicholson.
Dwyer.	Parkhouse.
Ford.	Patterson.
Fuchs.	Puryear.
Good.	Ramsey.
Goodman.	Ratliff.
Griffith.	Reed of Dallas.
Harris.	Renfro.
Head.	Riddle.
Hicks.	Russell.
Hill of Brazoria.	Savage.
Hodges.	Scott.
Hughes.	Shannon.
Hunt.	Shults.
Hyder.	Stanfield.
James.	Stinson.
Johnson	Tarwater.
of Anderson.	Thomas.
Jones of Runnels.	Tillery.
Jones of Shelby.	Wagstaff.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Wells.
Leonard.	Wood.
Mackay.	

Absent

Baker.	Jones of Atascosa.
Beck.	Mathis.
Bedford.	Moffett.
Butler.	Pavlica.
Calvert.	Reader.
Colson.	Rogers
Coombes.	of Ochiltree.
Engelhard.	Ross.
Graves.	Scarborough.
Haag.	Sullivant.
Harman.	Tennyson.
Hill of Webb.	Weinert.
Hoskins.	Young.

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

Mr. Anderson of Bexar moved to reconsider the vote by which the bill failed to pass to engrossment, and asked to have the motion to reconsider spread on the Journal.

HOUSE BILL NO. 47 ON SECOND READING

Mr. Morse and Mr. Moore moved to take up, for consideration at this time, House Bill No. 47, which bill had heretofore been laid on the table subject to call.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 47, A bill to be entitled "An Act to prohibit the wilful taking, injury, or destruction of trees, shrubs, vines, flowers, and moss on land of another, or on land reserved, set aside, or maintained by the State as a public highway or public park, or as a refuge or sanctuary for wild animals, etc., and declaring an emergency."

The bill was read second time.

Mr. Morse offered the following amendment to the bill:

Amend House Bill No. 47 by striking out of Section 4 the following words, to wit: "bailiff and game and fish wardens."

Mr. Anderson of Bexar moved to table the amendment.

The motion to table was lost.

The amendment was then adopted.

Mr. Morse offered the following amendment to the bill:

Amend House Bill No. 47 by adding after Section 3 of the bill the following: "Provided, that the provisions of this Act shall not apply to the clearance and maintenance of rights of way and of poles, wires, and other construction by those working for or engaged in the business of a public utility."

The amendment was adopted.

Mr. James offered the following amendment to the bill:

Amend House Bill No. 47 by excluding "wild Irish roses" from the provisions of this Act.

JAMES,
RENFRO,
ANDERSON of Johnson.

The amendment was adopted.

Mr. Jones of Atascosa offered the following amendment to the bill:

Amend House Bill No. 47, page 2, Section 3, line 8, by striking out the word "dollars," and inserting in lieu thereof the word "cents," and by striking out the word "hundred," in said line and striking out the "s," in the word "dollars," in said line and Section.

The amendment was adopted.

Mr. Vaughan offered the following amendment to the bill:

Amend House Bill No. 47, page 1,

Section 1, line 24, by striking out in said line the words: "Upon the enclosed land of another, or."

The amendment was adopted.

Mr. Scott offered the following amendment to the bill:

Amend House Bill No. 47 by striking out line 20, page 1 thereof.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—40

Alsup.	Leonard.
Anderson of Bexar.	Lindsey.
Anderson of Johnson.	Lotief.
Barrett.	McClain.
Barron.	Mitcham.
Calvert.	Pavlica.
Camp.	Puryear.
Cowley.	Reader.
Crossley.	Renfro.
Daniel.	Riddle.
Dunagan.	Roberts.
Few.	Rogers of Hunt.
Glass.	Scott.
Goodman.	Shults.
Head.	Stinson.
Huddleston.	Stovall.
Jones of Runnels.	Tarwater.
Jones of Shelby.	Thomas.
Laird.	Tillery.
	Van Zandt.
	Vaughan.

Nays—69

Aikin.	Hoskins.
Alexander.	Hughes.
Beck.	Hunt.
Bedford.	Hyder.
Bourne.	James.
Bradley.	Jefferson.
Burns.	Johnson of Anderson.
Butler.	Kayton.
Canon.	Kyle of Hays.
Celaya.	Kyle of Palo Pinto.
Chastain.	Latham.
Clayton.	Long.
Dean.	Mackay.
Devall.	Magee.
Dunlap.	Mathis.
Engelhard.	McDougald.
Fain.	McKee.
Ford.	Metcalfe.
Fuchs.	Moffett.
Good.	Moore.
Griffith.	Morse.
Haag.	Munson.
Hankamer.	Nicholson.
Harris.	Parkhouse.
Hartzog.	Ramsey.
Holland.	

Ratliff.	Stanfield.
Ray.	Steward.
Reed of Dallas.	Tennyson.
Rollins.	Turlington.
Ross.	Wagstaff.
Russell.	Walker.
Savage.	Wells.
Shannon.	Winningham.
Smith.	Young.

Absent

Adamson.	Holloway.
Baker.	Jackson.
Cathey.	Jones of Atascosa.
Caven.	McGregor.
Colson.	Morrison.
Coombes.	Palmer.
Davidson.	Patterson.
Duvall.	Pope.
Dwyer.	Reed of Bowie.
Graves.	Rogers of Ochiltree.
Harman.	Scarborough.
Harrison.	Sullivant.
Hester.	Townsend.
Hicks.	Weinert.
Hill of Brazoria.	Wood.
Hill of Webb.	
Hodges.	

Absent—Excused

Fisher.	Johnson of Dimmit.
Golson.	Lemens.
Greathouse.	McCullough.
Holekamp.	Merritt.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 47 was then passed to engrossment by the following vote:

Yeas—56

Adamson.	Holland.
Aikin.	Hoskins.
Alexander.	Hughes.
Beck.	Hyder.
Bedford.	Jefferson.
Bradley.	Johnson of Anderson.
Burns.	Latham.
Butler.	Long.
Canon.	Mackay.
Celaya.	Magee.
Chastain.	Mathis.
Clayton.	McGregor.
Devall.	Metcalfe.
Engelhard.	Moffett.
Ford.	Moore.
Fuchs.	Morse.
Griffith.	Munson.
Haag.	Nicholson.
Hankamer.	Parkhouse.
Hill of Brazoria.	

Ramsey.	Smith.
Ratliff.	Stanfield.
Ray.	Steward.
Reed of Dallas.	Turlington.
Rollins.	Wagstaff.
Ross.	Walker.
Russell.	Wells.
Savage.	Winningham.
Shannon.	

Nays—55

Alsop.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Bexar.	Laird.
Anderson	Leonard.
of Johnson.	Lindsey.
Barrett.	Lotief.
Barron.	McClain.
Bourne.	McKee.
Calvert.	Mitcham.
Camp.	Palmer.
Cowley.	Pavlica.
Crossley.	Puryear.
Daniel.	Reed of Bowie.
Dean.	Renfro.
Dunagan.	Riddle.
Fain.	Roberts.
Few.	Rogers of Hunt.
Glass.	Scarborough.
Good.	Scott.
Goodman.	Shults.
Harris.	Stinson.
Hartzog.	Stovall.
Head.	Tarwater.
Huddleston.	Thomas.
Hunt.	Tillery.
James.	Van Zandt.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Young.
Jones of Shelby.	

Absent

Baker.	Holloway.
Cathey.	Jackson.
Caven.	Kayton.
Colson.	McDougald.
Coombes.	Morrison.
Davidson.	Patterson.
Dunlap.	Pope.
Duvall.	Reader.
Dwyer.	Rogers
Graves.	of Ochiltree.
Harman.	Sullivant.
Harrison.	Tennyson.
Hester.	Townsend.
Hicks.	Weinert.
Hill of Webb.	Wood.
Hodges.	

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

HOUSE BILL NO. 647 WITH SENATE AMENDMENTS

Mr. Lindsey called up from the Speaker's table with Senate amendments, for consideration of the amendments,

H. B. No. 647, A bill to be entitled "An Act to amend Article 4686, of the Revised Civil Statutes of 1925, by prohibiting individuals, not otherwise expressly permitted by statute, to engage in the business of insuring others against insurable losses; providing that the Board of Insurance Commissioners shall be satisfied that any insurance carrier applying for a certificate of authority has in all respects complied with the laws of this State; providing that it shall be the duty of the Board of Insurance Commissioners to issue to such qualified carrier a certificate of authority under its seal, authorizing such carrier to transact an insurance business, naming the particular kind of same, for a period of not more than twelve months, and such authority not to extend beyond the last day of February following the date of issuance of said certificate; defining the term 'carrier,' and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Lindsey, the House concurred in the Senate amendment by the following vote:

Yeas—103

Adamson.	Few.
Aikin.	Ford.
Alsop.	Fuchs.
Anderson	Glass.
of Bexar.	Goodman.
Anderson	Griffith.
of Johnson.	Haag.
Barrett.	Hankamer.
Barron.	Harris.
Beck.	Hartzog.
Bedford.	Head.
Bourne.	Hill of Brazoria.
Bradley.	Holland.
Burns.	Hoskins.
Calvert.	Huddleston.
Camp.	Hughes.
Canon.	Hunt.
Celaya.	Hyder.
Chastain.	James.
Cowley.	Jefferson.
Crossley.	Johnson
Daniel.	of Anderson.
Dean.	Jones of Atascosa.
Dunagan.	Jones of Runnels.
Engelhard.	Jones of Shelby.
Fain.	Kayton.

Kyle of Hays.	Riddle.
Kyle of Palo Pinto.	Roberts.
Laird.	Rogers of Hunt.
Latham.	Rollins.
Leonard.	Ross.
Lindsey.	Russell.
Lotief.	Savage.
Mackay.	Scarborough.
Magee.	Scott.
McClain.	Shannon.
McDougald.	Shults.
McGregor.	Smith.
McKee.	Steward.
Metcalfe.	Stinson.
Moore.	Stovall.
Morrison.	Sullivant.
Morse.	Tarwater.
Munson.	Tennyson.
Nicholson.	Thomas.
Palmer.	Tillery.
Pavlica.	Turlington.
Pope.	Van Zandt.
Puryear.	Wagstaff.
Ray.	Walker.
Reed of Bowie.	Wells.
Reed of Dallas.	Winningham.
Renfro.	Young.

Nays—1

Vaughan.

Present—Not Voting

Alexander. Moffett.

Absent

Baker.	Hill of Webb.
Butler.	Hodges.
Cathey.	Holloway.
Caven.	Jackson.
Clayton.	Long.
Colson.	Mathis.
Coombes.	Mitcham.
Davidson.	Parkhouse.
Devall.	Patterson.
Dunlap.	Ramsey.
Duvall.	Ratliff.
Dwyer.	Reader.
Good.	Rogers
Graves.	of Ochiltree.
Harman.	Stanfield.
Harrison.	Townsend.
Hester.	Weinert.
Hicks.	Wood.

Absent—Excused

Fisher.	Johnson
Golson.	of Dimmit.
Greathouse.	Lemens.
Holekamp.	McCullough.
	Merritt.

BILL ORDERED NOT PRINTED

On motion of Mr. Goodman, by unanimous consent of the House, Senate Bill No. 527 was ordered not printed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Joint Resolution No. 30 by the following vote: Yeas, 23; nays, 5.

The Senate has adopted

S. C. R. No. 45, Authorizing the Comptroller to pay fee claims against appropriation for felony cases.

S. C. R. No. 58, Relative to an appropriation of four billion dollars (\$4,000,000,000), made by the Congress of the United States, to aid unemployment in the different States.

S. C. R. No. 63, Relative to a treaty between the Dominion of Canada and the United States, relating to the proposed St. Lawrence Waterway, etc.

The Senate has passed

S. B. No. 559, A bill to be entitled "An Act providing that where as a result of improvements made by the Federal Government on lands owned by the State or by any city or county of the State, under the provisions of an Act of Congress approved March 31, 1933, and being entitled 'An Act for the relief of unemployment through the performance of useful public work and other purposes,' there accrues to the State on a sale of said land or its products a profit from the improvements so made, said profits so resulting from said improvements shall be divided equally between the State and the Federal Government upon certain conditions; exempting from the provisions of this Act lands held by the State or by any county of the State for public free school or University purposes; and declaring an emergency."

S. B. No. 553, A bill to be entitled "An Act making an emergency appropriation of \$1,500 for postage to be used by the State Department of Education during the remainder of the fiscal year ending August 31, 1933, and declaring an emergency."

S. B. No. 556, A bill to be entitled "An Act to apportion the State of Texas into congressional districts,

naming the counties composing the same, and providing for the election of a Member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 515, A bill to be entitled "An Act to amend Article 955, Penal Code, as amended by Chapter 257, General and Special Laws, Regular Session, Forty-first Legislature, as amended by Chapter 304, General Laws, passed at the Regular Session of the Forty-second Legislature, prohibiting the sale of fish taken from fresh-water streams of certain named counties, providing means and method of taking and possessing fish from fresh-water streams of said counties; defining offenses and prescribing the penalty for violation thereof; and omitting Bell County from the list of said counties; and declaring an emergency."

Respectfully,
BOB BARKER,
 Secretary of the Senate.

HOUSE BILLS ON FIRST READING

Mr. Dunagan moved to introduce, at this time, and have placed on its first reading, the following bill:

The motion prevailed by the following vote:

Yeas—102

- | | |
|-------------|---------------------|
| Adamson. | Glass. |
| Aikin. | Goodman. |
| Alexander. | Griffith. |
| Alsup. | Haag. |
| Anderson | Hankamer. |
| of Johnson. | Hartzog. |
| Barron. | Head. |
| Beck. | Hill of Brazoria. |
| Bedford. | Holloway. |
| Bourne. | Hoskins. |
| Bradley. | Huddleston. |
| Burns. | Hughes. |
| Calvert. | Hyder. |
| Canon. | James. |
| Celaya. | Jefferson. |
| Chastain. | Johnson |
| Clayton. | of Anderson. |
| Cowley. | Jones of Atascosa. |
| Crossley. | Jones of Runnels. |
| Dean. | Jones of Shelby. |
| Devall. | Kayton. |
| Dunagan. | Kyle of Hays. |
| Fain. | Kyle of Palo Pinto. |
| Few. | Laird. |
| Ford. | Latham. |
| Fuchs. | Leonard. |

- | | |
|-----------------|--------------|
| Lotief. | Rollins. |
| Magee. | Ross. |
| Mathis. | Russell. |
| McClain. | Savage. |
| McDougald. | Scarborough. |
| McGregor. | Scott. |
| Metcalf. | Shannon. |
| Mitcham. | Shults. |
| Moffett. | Smith. |
| Moore. | Steward. |
| Morrison. | Stinson. |
| Morse. | Stovall. |
| Munson. | Sullivant. |
| Nicholson. | Tarwater. |
| Palmer. | Tennyson. |
| Parkhouse. | Thomas. |
| Pavlica. | Tillery. |
| Pope. | Townsend. |
| Ratliff. | Turlington. |
| Ray. | Van Zandt. |
| Reed of Bowie. | Wagstaff. |
| Reed of Dallas. | Walker. |
| Renfro. | Wells. |
| Riddle. | Winningham. |
| Roberts. | Wood. |
| Rogers of Hunt. | Young. |

Nays—3

- | | |
|----------|----------|
| Holland. | Vaughan. |
| Puryear. | |

Absent

- | | |
|------------|---------------|
| Anderson | Harris. |
| of Bexar. | Harrison. |
| Baker. | Hester. |
| Barrett. | Hicks. |
| Butler. | Hill of Webb. |
| Camp. | Hodges. |
| Cathey. | Hunt. |
| Caven. | Jackson. |
| Colson. | Lindsey. |
| Coombes. | Long. |
| Daniel. | Mackay. |
| Davidson. | McKee. |
| Dunlap. | Patterson. |
| Duvall. | Ramsey. |
| Dwyer. | Reader. |
| Engelhard. | Rogers |
| Good. | of Ochiltree. |
| Graves. | Stanfield. |
| Harman. | Weinert. |

Absent—Excused

- | | |
|-------------|-------------|
| Fisher. | Johnson |
| Golson. | of Dimmit. |
| Greathouse. | Lemens. |
| Holekamp. | McCullough. |
| | Merritt. |

The Speaker then laid the bill before the House, and it was read first time, and referred to the appropriate committee, as follows:

By Mr. Dunagan:

H. B. No. 940, A bill to be entitled "An Act granting the Board of Control, with the Governor's approval, the right and power to sell not more than ten (10) acres of the land owned by the Gilmer State Orphanage; and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Pope, Mr. Davidson, and Mr. Greathouse:

H. B. No. 939, A bill to be entitled "An Act amending Articles 2959 and 2960, of the 1925 Revised Civil Statutes of the State of Texas, so as to eliminate the requirement of the payment of a poll tax for the year 1933, and providing for the payment of a registration fee in lieu of the poll tax for 1933, where poll tax has not been paid when this Act becomes effective; providing for voting on poll tax receipts as well as on registration fee certificates; providing for paying registration fee between January 1, 1933, and July 25, 1933; etc.; and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Laird and Mr. Scarborough:

H. B. No. 941, A bill to be entitled "An Act to amend Chapter 35, of the Acts of the Third Called Session of the Forty-second Legislature, the same being an Act to conserve fish in Angelina, Attoyoc, Sabine, and Neches Rivers and their tributaries in certain counties by permitting the use of nets of a certain size in certain counties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

HOUSE BILL NO. 83 ON SECOND READING

Mr. Burns moved to take up, for consideration at this time, House Bill No. 83, which bill had heretofore been laid on the table subject to call.

Mr. Parkhouse raised a point of order on further consideration of the bill, on the ground that when the bill was reported from the committee there was not a quorum present.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Burns, it prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 83, A bill to be entitled "An Act to provide for the Texas Prison Board, through its general manager, bidding for contracts to supply the State with printing, binding, and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control without a bond, and entering into such contracts with the Board of Control without executing a bond, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 552, to the Committee on School Districts.

Senate Bill No. 561, to the Committee on Banks and Banking.

Senate Bill No. 556, to the Committee on Congressional Districts.

Senate Bill No. 515, to the Committee on Game and Fisheries.

Senate Bill No. 553, to the Committee on Appropriations.

Senate Bill No. 559, to the Committee on State Affairs.

ADJOURNMENT

Mr. Roberts moved that the House adjourn until 5:57 o'clock p. m., Monday, May 15.

Mr. Savage moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Kayton moved that the House adjourn until 9:30 o'clock a. m., Tuesday.

The motion of Mr. Kayton prevailed, and the House, accordingly, at 6 o'clock p. m., adjourned until 9:30 o'clock a. m., Tuesday, May 16.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Game and Fisheries: House Bill No. 936.

Judiciary: Senate Bills Nos. 359 and 527.

Revenue and Taxation: House Bill No. 398.

The Committee on Constitutional Amendments filed adverse reports on House Joint Resolutions Nos. 24, 15, and 8.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 134, A bill to be entitled "An Act to amend Section 15, Article 7047, of the Revised Civil Statutes of 1925, defining money lenders and fixing an annual tax of one hundred and fifty dollars (\$150) for each place of business, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 546, A bill to be entitled "An Act amending Article 6377, Revised Civil Statutes of Texas, 1925, so as to provide that passenger trains carrying troops of the organized militia, the National Guard and trains handling troops, and equipment of the United States Government, shall be permitted to place baggage cars and other cars carrying troop train equipment and military supplies within the train in such manner as may be directed by the military authorities, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 692, A bill to be entitled "An Act to amend Article 1659, Chapter 6, Title 19, of the Revised Criminal Statutes, of the State of Texas, 1925, relating to separate coaches for the accommodation of white and negro passengers so as to include commercial motor vehicle within the terms of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 729, A bill to be entitled "An Act to authorize the withdrawal or exclusion of lands from water control and improvement districts which embrace lands in two or more counties, and containing not less than one hundred twenty-five thousand (125,000) acres after the provisions hereof are adopted by a two-thirds vote of the board of directors of any such district, by resolution and entered of record upon the minutes of such board, and a copy thereof recorded in the office of the county clerk of each county in which any portion of the lands of such district are situated; providing that no petition for exclusion of lands shall be presented or filed unless the lands proposed to be excluded, and therein described, exceed five hundred (500) acres; prescribing the method of procedure whereby lands may be withdrawn or excluded from any such district; providing that such withdrawn lands shall continue to pay their pro rata part of the debts of such district existing at the time of withdrawal; authorizing landowners and bondholders to refund or adjust bond debts existing on lands excluded or withdrawn from any such district; providing for cancellation of unsold bonds of any improvement district from which lands are excluded or withdrawn; enacting provisions incident and necessary to the subject and

purpose of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 770, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to conservation of oil and gas and the regulation of production, storage, transportation, and refining thereof; amending Article 6036, Revised Civil Statutes of the State of Texas, of 1925, as amended by Section 3, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, and changing the provisions of said Section so that in addition to any penalty that may be imposed by the Commission for contempt for the violation of its rules, any person, firm, corporation, joint stock association, or any officers, agent, or employe thereof, violating any provision of this Act or Title 102 of the Revised Civil Statutes of 1925, or of any of the rules, regulations, or orders of said Commission made in pursuance thereof, shall be subject to a penalty of not more than one thousand dollars (\$1,000) for each and every day of such violation and in lieu thereof in case of violation of any proration order a penalty not less than the value of the oil produced in excess of the Commission's order or more than twice the value thereof, the same to be recovered in any court of competent jurisdiction in the county in which such violation occurred, or in Travis County, such suit to be instituted under the direction of the Railroad Commission of the State of Texas, and in the name of the State of Texas, by the Attorney General of the State of Texas, or by the county or district attorney in the county where the violation occurred or of Travis County; and providing further, that the State of Texas shall have and is here given a lien upon the lease, leasehold interest, oil and/or gas well, and the personal property thereon situated, of any person or persons, firm, or corporation, or any

joint stock association found guilty of violation of any provision hereof, or Title 102 of the Revised Civil Statutes of 1925, or of any of the rules, regulations, and orders in pursuance thereof; providing further that when suit is instituted by and in the name of the State of Texas to recover such penalties and to foreclose such lien and upon the filing of a lis pendens notice in the county clerk's office as now provided by law as to suits involving real estate, that the filing of such lis pendens notice shall be notice that the State is claiming and asserting such lien; also, amending Section 4, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, changing the same to read as follows: 'Giving and granting the Railroad Commission of Texas the power, through the Attorney General or the county and district attorneys in counties where the violation occurred, to institute suit against parties violating the rules, regulations, and orders of the Commission, fixing the venue thereof, and providing for injunction therein'; amending Section 5, Chapter 26, of Acts of the Forty-second Legislature, First Called Session and changing the same so as to authorize the Commission to inquire into the production, storage, transportation, and refining of crude oil to ascertain if waste exists, requiring the reports to be made to the Commission under oath covering the production, storage, transportation, and refining of crude oil and authorizing inspection of property and equipment used in such service and authorizing wells and equipment to be gauged and inspected; providing, that if any section, clause, or any provision of this Act or any other Act referred to herein shall be unconstitutional, invalid, or unenforceable, it shall not affect the remaining portion; providing this Act shall be cumulative of all other laws now in force, and not as an impairment or limitation of any law now in force, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 887, A bill to be entitled "An Act providing for rural school supervisors in certain counties, in lieu of teachers' institutes; prescribing the duties of said supervisors; prescribing the salaries of said supervisors and how they shall be paid; prescribing other things incidental to said purpose, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 867, A bill to be entitled "An Act amending Articles 7245, 7247, 7248, of the 1925 Revised Civil Statutes of Texas, by providing for the election, oath, and bond of the office of assessor and collector of taxes, as combined by the recent amendment to the Constitution; providing that Articles 7181 to 7359, inclusive, of Title 122 of the 1925 Revised Civil Statutes of Texas, including all amendments, as well as the 1925 Revised Civil Statutes, shall be so construed as to carry out the purpose of the constitutional amendment providing for one office and that the words 'assessor,' 'assessor of taxes,' 'collector,' 'collector of taxes,' or 'tax collector' shall refer to and mean one office or officer; repealing Articles 7177, 7178, 7179, 7180, and 7249, of Title 122, of the 1925 Revised Civil Statutes of Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 881, A bill to be entitled "An Act to amend Chapter 6, of Title 42, of the Revised Civil Statutes of the State of Texas, which said Chapter relates to rules of practice and procedure in certain district courts, by changing the first or definitive paragraph of said Chapter, said paragraph being the paragraph of Article 2092

which immediately precedes Section 1 of said Article 2092, so as to make said Chapter and all of its terms applicable also to counties having four or more district courts and lying west of the ninety-eighth meridian of longitude, in addition to counties to which said Chapter and its terms are now applicable, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 886, A bill to be entitled "An Act to amend Article 1667 of the Revised Civil Statutes of Texas, of 1925, as amended by House Bill No. 59, Chapter 38, of the Second Called Session of the Forty-second Legislature, so that the provisions of said Article shall hereafter extend to all counties containing a population of one hundred and ten thousand or more, as shown by the preceding Federal Census, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 893, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Cooke County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inches square; providing that seines and nets may be used only during the month of August; providing when a seine is used during the month of August, it shall be used only to seine fish for propagation purposes; providing seining shall be under the supervision of a game warden; providing nothing herein shall be construed to prohibit use of a seine not more than twenty (20) feet in length to seine for bait; and making it unlawful to take or

possess any such fish for the purpose of sale; fixing penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 900, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than 16,563, and not more than 16,963, according to the last preceding Federal Census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; and which are insufficient, and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; etc.; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 895, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill by any means whatsoever, any wild turkey in the Counties of Guadalupe and Comal for a period of five (5) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 903, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five-year closed season on wild fox in Van Zandt County; and providing a penalty for violation of this Act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 920, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in San Augustine and Sabine Counties, with certain exceptions; providing a penalty; repealing all laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 926, A bill to be entitled "An Act providing for open seasons for the taking and killing of squirrels in Kaufman County during the months of May, June, July, October, November, and December, of each year; providing the penalty for violation of said Act; repealing all laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 929, A bill to be entitled
"An Act authorizing Dallas County
Arcadia Fresh Water Supply District
No. 1 to incur indebtedness evidenced
by contract, agreement, notes, or
warrants, and to borrow money from
Reconstruction Finance Corporation,
for any purpose incident to its powers
and functions, including the construc-
tion of repairs, replacements, and ex-
tensions to its water system, and to
pay off from and to pledge for the
payment thereof any part of its in-
come or revenues, and to mortgage
its properties and facilities; providing
for an election to authorize the in-
curring of indebtedness and validat-
ing any election heretofore held in
compliance with the provisions of this
Act; repealing all laws or parts of
laws in conflict herewith only so far
as the same affect any powers herein
granted, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 923, A bill to be entitled
"An Act to empower certain cities in
this State, therein defined, to build,
construct, own, maintain, and operate
a bridge or bridges over and across
any stream, inlet, or arm of the
Gulf of Mexico, or entrance channel
to a port in said city and to enact
all necessary and reasonable ordi-
nances, providing rules and regula-
tions for the operation of same, and
providing that no such bridge con-
structed, maintained, and operated
over any entrance channel to any
port operated by any navigation dis-
trict without a permit from the nav-
igation and canal commissioners of
said district upon conditions fixed by
said permit, and providing that said
navigation and canal commissioners
shall have the power to prescribe
reasonable rules and regulations for
the operation of said bridge and di-

rect control over the mechanical
facilities of said bridge for the clear-
ance of the channel for ingress and
egress of vessels to said port, and
further granting to said city in con-
nection with the construction of such
bridge the power to fill in and reclaim
any of its submerged lands along its
water front, and to build and con-
struct sea walls, breakwaters, or
shore protection to the same, and to
construct water mains, gas mains,
storm sewers, sanitary sewers, side-
walks, streets, and other like improve-
ments thereon, and to rent, lease, sell,
or grant franchises for the use of
same, and to dredge out, construct,
and maintain any extension of any
channel in connection with such deep
water port within said city, and
granting said city the power for all
of said purposes to borrow money
from the Federal Government or any
of its agencies created for the pur-
pose of making such loan or other-
wise obtain such funds, and to en-
cumber said properties and facilities
and the net revenues and income of
same to secure payment of said funds,
and to make sale of all or parts of
the reclaimed area; to pledge and en-
cumber said net income and revenues,
and to provide for foreclosure and
for a franchise to the purchaser
under foreclosure, and to issue evi-
dences of indebtedness secured there-
by, prescribing the limitation upon
said evidences of indebtedness and
encumbrances, and providing that
same shall be solely a charge upon
the property encumbered and the net
revenues and income thereof shall
not be a debt of said city under the
Constitution, and providing that the
holder of said indebtedness shall not
have the right to demand the pay-
ment of said obligation out of any
funds raised by taxation, prescribing
the provisions of said encumbrances
and evidences of indebtedness while
so encumbered and, after default,
limiting the provisions of this Act to
loans secured from the Reconstruc-
tion Finance Corporation or other
like agency of the Federal Govern-
ment, and providing that Chapter
163, Acts, Forty-second Legislature,
applicable to a city acting under the
provisions of this Act, enabling State
Highway Commission to provide part
or all of the cost, providing a saving
clause, repealing all laws and parts
of laws in conflict herewith, and de-
claring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 933, A bill to be entitled "An Act providing in counties having more than sixty-two thousand, five hundred (62,500) inhabitants and less than seventy-four thousand, four hundred and twenty-five (74,425) inhabitants, according to the last, or any subsequent Federal Census, providing for the election, oath, and bond of the office of assessor and collector of taxes, as combined by the recent amendment to the Constitution; providing that Articles 7181 to 7359 inclusive, Title 122, of the 1925 Revised Civil Statutes of Texas, including all amendments as well as the 1925 Revised Civil Statutes shall be so construed as to carry out the purposes of the constitutional amendment providing for one office and that the words 'assessor,' 'assessor of taxes,' 'collector,' 'collector of taxes,' or 'tax collector' shall refer to and mean one office or officer; repealing Articles 7245, 7246, 7247, 7248, and 7249, of the 1925 Revised Civil Statutes of Texas, and Articles 7178, 7179, and 7180, Title 122, of the 1925 Revised Civil Statutes of Texas, insofar as the same conflict with the provisions of this law; providing the effective date of this Act shall be January 1, 1935, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 921, A bill to be entitled "An Act declaring that where any land was titled prior to the adoption of the common law and there has been a judicial finding that the original grantee abandoned said land prior to the adoption of the common law, and there has been a judicial finding that the State of Texas has

no interest in said land, it shall be conclusively presumed that those now claiming said land under said original grantee, or his heirs, by conveyance or judgment is vested with all title which was originally vested in said grantee, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 932, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Houston County during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 934, A bill to be entitled "An Act conferring additional powers on the boards of trustees of independent school districts situated in counties having a population according to the latest Federal Census of more than twenty-two thousand (22,000) and less than twenty-two thousand one hundred (22,100) by providing that the boards of trustees of such districts may issue refunding warrants in lieu of eligible vouchers as defined herein, issued prior to January 1, 1932, prescribing the duties of the boards of trustees in reference to the issuance of said refunding warrants, expressly authorizing and validating said outstanding eligible vouchers and refunding warrants issued in lieu thereof, prescribing the duties of such boards of

trustees in reference to the levying and collecting taxes to pay the principal and interest of said refunding warrants, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 937, A bill to be entitled "An Act validating bonds of cities and towns issued for the purchase, construction, improvement, or repair of any light, gas, water, or sewer system owned and operated by such city or town, under authority of Chapter 314, of the General Laws passed by the Forty-second Legislature at its Regular Session, in 1931, where such bonds have been approved, as to legality and purpose, by the Reconstruction Finance Corporation; validating the sale of such bonds and declaring the same legal obligations upon the properties encumbered to secure their payment; providing the authorizing the issuance, sale, and delivery of any such bonds heretofore authorized pursuant to said statute; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 938, A bill to be entitled "An Act amending Article 1456 of the Penal Code of the State of Texas, 1925, so as not to exempt Angelina, Tyler, Jasper, and Newton Counties from the provisions of certain Articles of the Penal Code, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 844, "An Act prohibiting certain practices in the production of oil and gas within this State; defining the terms 'person,' 'governmental agent,' 'governmental agency,' and 'oil property'; providing for the accurate measurement and accurate recording daily by all producers of oil and gas of the amount of daily production before relinquishing possession or control thereof by the producer; prohibiting the use of any method or device to evade or prevent accurate measurement; prohibiting the removing of oil from the possession or control of producer except from tank or tanks under his control; providing for access by governmental agency at all times for inspection and examination of all oil properties and likewise providing for access by governmental agency for inspection, examination and audit of the records pertaining to all oil properties; prohibiting the refusal to permit such governmental agency to have access to all oil properties for inspection and examination and prohibiting any person from interfering with such inspection and examination, and prohibiting the removal, tampering with, mutilation or destruction of any device, seal or meter placed on such oil property or used in such inspection and examination by such governmental agency; prohibiting the equipment or enclosure of oil property or any part, in such manner as to prevent such inspection and examination, and to prevent such inspection and examination from revealing the true facts with respect to the manner of producing, storing or delivering oil from such property; providing for identifying by posted signs in the English language of all oil properties, oil tanks and flares; providing for the burning of flares to prevent the escape in open air of gas while the well producing oil and gas is being produced; providing it shall be unlawful for any person owning, leasing, operating, producing or controlling any oil property, to produce oil

in excess of the amount allowed to be produced per day under any order of the governmental agency in force at the time; providing it shall be unlawful for any person to corruptly give, offer or promise to give any member of the governmental agency, chief supervisor, deputy supervisor, or any agent or employe thereof any gift or gratuity with intent to influence any such officer or person; providing for the adoption, promulgation, amendment, repeal, alteration and modification, and the publication of notice of rules and regulations by the governmental agency, to provide methods and devices for measuring production of oil and gas, and for inspection of oil properties and measuring devices, and the measurement before surrendering possession thereof, and for the installation and use of flares, and for the keeping of records and the furnishing of reports and for inspection and examination by such agency of such oil properties and records; providing for the admissibility in evidence of certificates from such governmental agency of the adoption and terms of any such rule, regulation or orders and that such certificate shall be prima facie proof of all facts disclosed in such certificate; providing for the contents of records and reports, and providing that the governmental agency may prescribe the form thereof; providing that the provisions of this Act with respect to its provisions and remedies shall be cumulative of all other laws; defining 'offenses' under this Act and providing penalties; providing for jurisdiction in the courts of the counties where the property or any part thereof is situated with respect to which property an offense under this Act is charged; and providing for the service of process in all suits or actions involving enforcement of the conservation laws or the orders of the Railroad Commission by authorizing all Texas Rangers and all agents of the Commission to serve any civil or judicial process as effectively as a sheriff or constable of a county could within the limits of his own county; and providing for the execution of such process anywhere within the State of Texas and for the making of a return by such Ranger or agent; and providing that no fees shall be allowed such Rangers or agents other than their regular salary or compensation; declaring the legislative intent

to enact each provision hereof independently of the other, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 97, "An Act amending Article 841 of the Code of Criminal Procedure of the State of Texas, 1925, so as to provide that the clerk of a court from which an appeal is taken shall prepare a transcript in duplicate in every case; the copy to be filed in the trial court with the original papers in the case; providing no charge shall be made for extra copy, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 154, "An Act to raise revenues for the support of the State Government by imposing and providing a tax upon the production of all oil within this State; by imposing a tax upon every owner, manager, or exhibitor of every coin operated phonograph, electric piano, electric batter, graphophone, weighing machine, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track stereoscopic machine, gum machine, candy machine, cigarette machine, handkerchief machine, sandwich machine, or any other class or kind of machine; amending Article 7105, Revised Civil Statutes of 1925, by imposing a tax upon the intangible assets and property of each incorporated railroad company, ferry company, bridge company, turnpike or toll company, oil pipe line company, and all common carrier pipe line companies of every character whatsoever engaged in the transportation of oil, doing business wholly or in part within this State,

whether incorporated under the laws of this State or of any other state, territory, or foreign country, and every other individual, company, corporation, or association doing business of the same character in this State, declaring an intent not to repeal any of the provisions of Article 7105, Revised Civil Statutes of 1925, but amending the same for the purpose of including persons, firms, and corporations operating pipe lines carrying oil in this State; defining certain words, terms, and phrases for the purpose of this Act; providing the purchaser of oil shall pay the tax on oil purchased and deduct the tax so paid from the payment due the producer; providing the manner and method of remitting said tax to the Comptroller of Public Accounts and State Treasurer and requiring the tax to be paid on all oil that is not sold by the producer; providing for monthly payments of said tax and prescribing the date upon which tax shall be paid and by whom it shall be paid; providing that if said tax is withheld by the purchaser and said purchaser fails to make payment of said tax to the State that the producer may have legal action against the purchaser by reason of such failure, and providing for attorney's fees; providing for maintaining certain records; providing penalties for the failure to pay the tax imposed upon the production of oil and six per cent interest on delinquent penalties and interest; requiring the tax to be borne ratably by all interested parties; allocating the taxes received from all sources as herein imposed, except those imposed under Section 11-a and Section 12, one-half to the Public School Fund and one-half to the credit of the General Revenue Fund, and those collected and received under the provisions of Section 11-a of this Act are allocated three-fourths to the General Revenue Fund and one-fourth to the Available School Fund with the exception of such taxes as are received for operating marble machines, which shall be credited in its entirety to the Available School Fund; those taxes imposed, collected, and received under Section 12 of this Act, imposing a tax upon the intangible assets and property of certain persons, firms, and corporations, shall be collected, apportioned, and allocated as now provided by law under the provisions of Chapter 4, Title 122, Revised Civil Statutes of Texas,

1925, requiring railroads, barges, trucks, and pipe lines carrying or transporting oil for hire or for themselves or for their owners to keep certain records and to furnish such information and reports as may be required by the Comptroller; requiring purchasers who buy oil from properties in litigation or covered by assignments to deduct amount of taxes before payment for said oil and to remit said tax deducted in the same manner as provided for oil purchasers from other sources; requiring producers and purchasers to file certain reports with the Comptroller monthly and to submit said report with the amount of taxes due; providing that all taxes, penalties, and interest shall be secured by a first superior and preferred lien on the property of the producer, which shall include all leasehold interest and oil produced and all other property used in connection with the production of such oil; providing for the filing of suits by the Attorney General for the recovery of any taxes due or past due and providing for the venue for said suits in Travis County, Texas; providing that it shall be a misdemeanor for any person, firm, or corporation to violate any of the provisions of this Act and prescribing certain penalties as punishment for the violation of same by any producer, purchaser, or carrier failing to comply with the provisions of this Act; authorizing the Comptroller to promulgate rules and regulations for the enforcement of this Act and that the amount of expenses set out in said Act for the enforcement or administration be deducted from the gross amount collected monthly; providing anyone holding a certificate of the Commission authorizing him to inspect oil wells, leases, premises, pipe lines, railroad cars, or tanks and motor truck tanks, shall have free right and access to all such wells, leases, premises; providing that any person or owner producing oil who prevents such free right of access shall be guilty of a misdemeanor and providing penalties for the violation thereof upon conviction; making it unlawful for any person owning, leasing, operating, or controlling any oil property to permit oil or gas to pass beyond his possession or control without first accurately measuring the amount of oil or gas and making and preserving an accurate record thereof and prescribing penalties for the

violation thereof upon conviction; providing that pay telephones and gas meters shall be excepted from the tax imposed under Section 11-a of this Act upon coin vending machines; making it unlawful to operate, show, or exhibit any machines or instruments included under the provisions of Section 11-a of this Act, imposing a tax upon coin operated machines and instruments without having annexed or attached thereto a tax receipt showing that the occupation tax herein levied has been paid for the current year; repealing Article 7071 of the Revised Civil Statutes of 1925 and providing the obligations existing and all taxes accruing hereafter or which are now due and delinquent under prior or existing occupational tax are expressly preserved and declared to be a legal and valid obligation due the State and the liens created to secure the payment thereof are hereby preserved and declared to be in full force and effect; providing that the tax levied by Article 6032, Revised Civil Statutes of 1925, as amended by House Bill No. 25, First Called Session of the Forty-second Legislature, shall be paid monthly as the tax herein levied in this Act is paid; providing that if any provision, section, or subsection of this Act shall be held or declared to be unconstitutional for any reason, such decision or holding of the court shall not impair or affect any remaining portion of this Act, and the same shall remain in full force and effect and it is the intention of this Legislature that the same shall remain in full force and effect; and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 897, "An Act to create the Texas Rehabilitation and Relief Commission for the purpose of administering Federal and/or State funds for employment, rehabilitation and/or relief of the unemployed; providing Commission shall cease to exist two (2) years after effective date of Act or at such earlier time as in the opinion of the Governor it may be dispensed with, defining duties of

Commission; providing for appointment of members of Commission, director of Commission and employes; providing for establishment of county departments of rehabilitation and relief, their powers and organization, making an appropriation; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 280, "An Act to amend Chapter 273, General Laws, Regular Session, Fortieth Legislature, fixing the salaries of judges of the Supreme Court, Court of Criminal Appeals, judges of the Supreme Court Commission of Appeals, judges of the Commission in aid of the Court of Criminal Appeals, judges of the Courts of Civil Appeals, and District Courts, including Criminal District Courts of this State; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 578, "An Act defining certain words, terms and phrases for the purposes of this Act; providing and imposing an occupation tax on sales in intrastate commerce in this State of cigarettes according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the State Treasurer; authorizing and requiring the Treasurer to design and have printed or manufactured such stamps; requiring such stamps to be affixed on each individual package of cigarettes; providing that such stamps shall be supplied by the Treasurer to

all licensed dealers at a discount when purchased in certain quantities; providing that such stamps shall be sold by the Treasurer to any and all persons, firms, partnerships, corporations, and associations of persons; authorizing the Treasurer to sell said stamps on credit with certain restrictions; providing for the distribution of moneys collected hereunder; authorizing the Treasurer to redeem any unused stamps when design of stamp is changed; providing that the Treasurer shall keep a record of all stamps sold by him; providing that every person, firm, corporation, or association of persons shall apply for and secure permit to engage in the business of wholesale or retail dealer in cigarettes; providing that the Comptroller shall issue such permit; providing for the application for such permits and regulating the issuance thereof; providing that certain persons, firms, corporations, or associations shall not be required to apply for and obtain such permit; providing for the distribution of the funds derived from the issuance and sale of such permits; providing for and regulating the suspension of permits issued; requiring every wholesale dealer to cause the stamps to be affixed to each individual package of cigarettes immediately after receipt of same; providing that wholesale dealers in interstate commerce under certain contingencies need not cause the stamp to be affixed to certain stock; requiring every wholesale dealer to keep certain records; requiring every wholesale dealer to furnish certain records to the Comptroller; requiring every retail dealer to affix the stamp to the individual package of cigarettes which has not been stamped; providing that any unstamped cigarettes, except as to bonded interstate wholesale dealers, in the possession of any person are kept in violation of the provisions of this Act; requiring all retail dealers to keep a record of all purchases of cigarettes; requiring all retail dealers to furnish the Comptroller with certain records; stating the purpose and intents of this Act; making it the Comptroller's duty to collect, supervise, and enforce the collection of all taxes and penalties due hereunder; providing that certain power and authority is vested in said Comptroller; authorizing the Comptroller to make rules and regulations for the purpose of carrying out the provisions of this Act; providing that it shall be a felony for any person other than the Treasurer to print or engrave or aid or cause the printing or engraving of any stamps evidencing the payment of the tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamps, or shall place or cause to be placed on any individual package of cigarettes any such unauthorized or counterfeit stamps; providing for the penalty for such violation; providing that the venue for certain offenses for violation of certain provisions of this Act shall be in Travis County, Texas; providing that it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale any cigarettes without having first procured the permit as required herein, with certain exceptions, or to sell, offer for sale, or possess for the purpose of sale any cigarettes without the stamp or stamps herein provided for having first been affixed to the individual package of cigarettes, with certain exceptions, or to attach to any individual package of cigarettes any stamp that has been theretofore attached to a different package of cigarettes, or to refuse to allow the Comptroller to inspect any place of business where cigarettes are sold, or to use any artful device or deceptive practice to conceal any violation of this Act, or for any retail dealer to possess in any place of business any cigarettes which are not properly stamped, or for any retail dealer to fail to produce certain invoices, or for any person to furnish any false or untrue invoice of cigarettes, or for any wholesale or retail dealer to fail and refuse to keep the records required by this Act, or for any wholesale dealer or retail dealer to fail or refuse to furnish the Comptroller a copy of certain orders for cigarettes, or for any person other than a common carrier to transport any package or packages of cigarettes which do not bear the State revenue stamp, or for any person to violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished by fine not less than ten dollars (\$10), nor more than five hundred dollars (\$500), or by confinement in jail not exceeding six (6) months, or by both such fine and imprisonment; providing that all agents, employes, and

others who aid or participate in the violation of this Act shall be guilty and punishable as principals; providing that the transportation of any unstamped cigarettes is prohibited; providing for the seizure of any vehicle transporting any unstamped cigarettes; providing for an action to be brought against the owner or operator of any vehicle transporting any unstamped cigarettes demanding the forfeiture and sale of such vehicle; providing for the notice of such cause; providing for the appointment of an attorney under certain contingencies; providing for the trial of said cause; providing for the forfeiture and sale after hearing of such seized vehicle; providing an opportunity for the owner or claimant of any seized property to have a hearing; providing for the disposition of all funds collected from the sale of any seized vehicle under the provisions of this Act; providing for certain fees for the attorney appointed by the court; providing for the seizure and forfeiture to the State of cigarettes on which taxes are imposed by the provisions of this Act, on which taxes levied hereunder have not been paid; providing for the appraisal of same; providing for the procedure to enforce such forfeiture; providing for the service of notice of said procedure; providing in certain events for the appointment of attorney; providing for the forfeiture of said property; ordering the sale thereof; providing that any claimant or lienholder of any seized property may, in certain events, obtain possession of such seized property; authorizing the Comptroller to waive any proceeding for the forfeiture of any property seized under the provisions of this Act; providing that all funds collected by the Comptroller under the provisions of this Act shall be paid over to the Treasurer; providing that for the first twelve (12) months this Act is in force, two per cent (2%) of the gross amount derived under the provisions of this Act shall be set aside for the enforcement of the provisions hereof, and that after the first twelve (12) months from the effective date of this Act, one per cent (1%) of the gross amount of taxes collected under this Act shall be set aside for the use of the Comptroller for the enforcement of the provisions hereof; requiring the Comptroller to itemize and designate funds collected

under this Act as required by the State Constitution; repealing Sections 12, 13, 14, and 15 of House Bill No. 547, Chapter 73, Acts of the Regular Session of the Forty-second Legislature; repealing Subdivision 39 of Section 1 of House Bill No. 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature; providing that all taxes, penalties, and interest due and existing and hereafter due and/or delinquent under prior existing cigarette tax laws are expressly preserved and declared to be legal and valid obligations due the State; providing that if any section, subsection, sentence, clause, or phrase in this Act shall be held or declared to be unconstitutional or invalid for any reason, such holding shall not impair or affect the remaining portions of this Act, and the same shall be and remain in full force and effect, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 891, "An Act providing for the payment by the Secretary of State for the printing of constitutional amendments submitted by the Forty-second Legislature out of the moneys appropriated by the Forty-second Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 264, "An Act providing the electors voting in the election held for the issuance of bonds within the State of Texas or any political subdivision thereof, shall be the owners of taxable property in the State where such election is held and which has been duly rendered for taxation, and providing the tax collector shall certify list of property owners to

election judges, and providing that each such elector shall reside in the precinct in which he votes, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 296, "An Act to amend Article 1665 of the Revised Civil Statutes of Texas, 1925, providing for quarterly and annual reports of the county auditor to the commissioners court, and district judge, or judges, of his county; providing for contents of said report; providing for the time of filing; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 360, "An Act to amend Article 451 of the Code of Criminal Procedure, 1925, relating to the taking of bail in felony cases; providing that in cases of arrest for felony less than capital the sheriff may take the bail and providing a manner of requiring new bail after indictment if insufficient bail has been taken, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 450, "An Act amending Chapter 16 of the Acts of the General Laws of the Fourth Called Session of the Forty-first Legislature of the State of Texas so as to provide that seventy-five per cent (75%) of the salary of the county judge may be paid out of the road and bridge fund

and the remainder may be paid out of the general fund of the county, and that each county commissioners salary may be paid out of the road and bridge fund of the county, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 13, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 14, Proposing an amendment to Article IX, of the Constitution of the State of Texas, by adding a new Section, to be numbered Section 2-a, said Section to have five (5) lettered subdivisions, and conferring upon commissioners court general management and control of county affairs, providing for combining of certain offices, and providing for the fixing of compensation of all county and precinct officers, and determining the number of deputies, assistants, and clerical help of all county and precinct officers; and providing for certain officers and employes performing additional duties for cities, towns, and districts within their county when required, and authorizing contracts between commissioners court and cities, towns, and districts for the performance of such additional duties, and providing for the payment therefor; and providing for approval of such contracts by the Attorney General of the State; and providing that the Legislature may, by general law, provide for complete forms of county government and organizations different from that provided for in this Constitution; and requiring an election in such county with reference thereto; and giving to the commissioners court certain powers with limitations thereon, and providing that no provision of this Constitution in conflict herewith shall hereafter be held to control, except with reference to counties operating under home rule charters; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 399, "An Act permitting
the taking of pelts of fur-bearing ani-
mals for the purpose of sale in Nacog-
doches and Angelina Counties during
the months of December and January;
making it unlawful to take such pelts
or to employ a steel trap for taking
any fur-bearing animal during any
other months than December and
January; providing a penalty; repeal-
ing all laws or parts of laws in con-
flict with this Act, and declaring an
emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 182, "An Act to amend
Article 6834 of the Revised Civil
Statutes of the State of Texas of 1925,
as amended by Acts of the Fifth
Called Session of the Forty-first Leg-
islature, Chapter 28, page 160, Sec-

tion 1, relating to the manner of hold-
ing elections for the issuing of seawall
bonds and to amend Article 6835
of the Revised Civil Statutes of the
State of Texas of 1925, as amended
by Acts of the Fourth Called Session
of the Forty-first Legislature, Chap-
ter 35, page 73, Section 2, relating to
the manner of declaring the results
of elections held for the issuance of
seawall bonds, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 15, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 670, "An Act providing
for the issuance of licenses for life,
health and accident insurance agents
and the cancellation thereof; regulat-
ing the conduct of persons and com-
panies with reference to acting as,
and through, life, health, and accident
insurance agents; providing penalties,
repealing laws in conflict, and declar-
ing an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of
Hon. S. D. Davis

Mr. Graves offered the following resolution:

Whereas, On May 11, 1933, the Hon. S. D. Davis, of Granger, Texas, passed to his eternal reward; and

Whereas, He was active in civic and governmental affairs, having served as Mayor of the City of Granger, and as a Member of the Thirty-third and Thirty-fourth Houses of Representatives of this State; and

Whereas, He was a distinguished citizen and much beloved by his many friends and associates; therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the passing of the Hon. S. D. Davis that the State of Texas has lost a valuable and distinguished citizen; be it further

Resolved, That as we adjourn today, we do so in commemoration of his memory, and that a copy of this resolution, expressing our deepest sympathy to his family, be forwarded to his wife, Mrs. S. D. Davis, at Granger, Texas; and be it further

Resolved, That a page of this Journal be set apart as a memorial to the deceased.

The resolution was read second time, and was adopted unanimously.